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URBAN/MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE CITY OF HAMILTON

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1989

1989 November 10th

URBAN MUNICIPAL
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GOVERNMENT DOCUMENT

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 November 15th
1:30 o'clock p.m.
Room 233, City Hall

Susan K. Reeder.

Susan K. Reeder
Secretary

SKR:dbm

DUE TO A COMMITMENT FOR THE COUNCIL CHAMBERS, ZONING APPLICATIONS WILL BE HEARD IN ROOM 233.

AGENDA

1. Minutes of the meetings held Wednesday, 1989 October 11th and Tuesday, 1989 October 31st.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

3. Issuance of Building Permits. (For Information)

4. 37 Strathcona Avenue North (Former Strathcona Fire Station).

CITY TREASURER

5. Partial Release of Holdback - Crown Point West/Stipley P.R.I.D.E. - Lucy Day Park.

DIRECTOR OF COMMUNITY DEVELOPMENT

6. Locke Place Potential Business Improvement Area (B.I.A.).

7. Main Street West Potential Business Improvement Area (B.I.A.).

8. Comprehensive Audit Report - Department of Community Development, Community Renewal and Housing Loans Section - Departmental Comments. (For Information)

9. The Community Development's involvement in the Regional Task Force on Affordable Housing. (For Information)

ALDERMAN J. SMITH

10. Committee of Adjustment decision - O.M.B. Hearing - Pioneer Gas Bar - Upper Gage. (no copy)

DELEGATION

11. (a) Bay Aberdeen Ratepayers' Association - Presentation of a petition requesting a change of zoning from "C" to "B-2" modified for a large area of South Durand.

(b) Report - Commissioner of Planning and Development - Proposed Change in Zoning for south Durand Neighbourhood.

12. (a) Durand Neighbourhood Plan Implementation Committee - Durand Plan Implementation - 1990 Work Program.

(b) Report - Commissioner of Planning and Development - Durand Plan Implementation - Work Program.

DIRECTOR OF LOCAL PLANNING

13. Extension of Draft Approval for "Battleridge" Subdivision.

14. Proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan.

15. Authorization for a Public Meeting - Proposed Neighbourhood Plan and Official Plan Amendment - Allison Neighbourhood.

16. Site Plan Control Application DA89-72-66 Ewen Road.

17. Residential Enclave Acquisition.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

18. Lease Agreement for Pigott Lobby Stained Glass Windows.

19. Designation of Main Post Office Building, 10 John Street South.

20. Delay of Demolition - 65 Markland Street.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

ROOM 233

3:00 o'clock p.m.

21. Zoning Application 89-82, V. Dipietro, G. Dipietro, I. Dipietro and A. Dipietro, owners, for a change in zoning from "AA" to "C" for lands at the rear of 1258 Upper Wentworth Street; Crerar Neighbourhood.

3:15 o'clock p.m.

22. Zoning Application 89-68, J. Paisley, In Trust, prospective owner, for a change in zoning from "AA" and "C" to "HH" for property at 1399 Upper James Street; Ryckmans Neighbourhood.

23. Zoning Application 89-78, Brownview Realty Ltd.. owner, for a change in zoning for property at No. 783, 785 and 791 Concession Street; Raleigh Neighbourhood.

(a) Letter of Submission - Mr. & Mrs. Jennings, 3 Ben Lomond Place
(b) Letter of Submission - Mr. & Mrs. Maskell, 6 Ben Lomond Place
(c) Letter of Submission - Mrs. Burrows, 4 Ben Lomond Place

3:30 o'clock p.m.

24. Zoning Application 89-83, 740888 Ontario Limited, prospective owner, for a change in zoning from "AA" to "RT-20" for land municipally known as No. 340 Limeridge Road East; Bruleville Neighbourhood..

4:00 o'clock p.m.

25. Official Plan Major (Five Year) Review.

26. Other Business.

27. Adjournment.

Wednesday, 1989 October 11
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman B. Hinkley
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross

Regrets: Alderman D. Christopherson - Vacation
Alderman H. Merling - Vacation

Also present: Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mrs. C. Floroff, Planning Department
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Architectural Historian, L.A.C.A.C., Planning Department
Mr. A. Georgieff, Planning Department
Mr. D. Heintz, Public Works Department
Mr. H. Reinhold, Public Works Department
Ms. J. McNeilly, Community Development Department
Mr. J. Avery, Purchasing Department
Mr. D. Pickard, Building Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1989 September 13 (afternoon); 1989 September 13 (evening); 1989 September 26.

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 September 13 (afternoon), Wednesday, 1989 September 13 (evening), and Tuesday, 1989 September 26. The Committee **APPROVED** these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 3 respecting Demolition Permit Applications.

The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

(a) 196 Main Street East
(b) 272 Limeridge Road East
(c) 106 Canada Street
(d) 108 Canada Street
(e) 407 Lake Avenue North
(f) 1500 Upper James Street
(g) 1150 West 5th
(h) 1073 Rymal Road East
(i) 1081 Rymal Road East
(j) 1085 Rymal Road East

NOTE: Alderman Kiss opposed to Section C and Section D of this recommendation.

By-law Appointing Plumbing Inspectors.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 September 26, respecting By-law Appointing Plumbing Inspectors.

The Committee **APPROVED** the following:

That By-law 82-133, as amended, **BE FURTHER AMENDED** by rescinding Schedule "A" to said By-law and approving a new Schedule "A" appointing the inspectors listed below, and the City Solicitor be instructed to prepare the amending By-law.

(a) Albert Riley
(b) Laverne Carron
(c) Jack Lethbridge
(d) Jim Connors
(e) Irwin Schwartz
(f) Ray Wood
(g) Oresto Difonte
(h) Phil Chabot
(i) Robert Felker
(j) Jim Duffy
(k) Richard Podolsky
(l) Konrad Brenner
(m) Jim Manta
(n) Gord McCallum
(o) George Clarke
(p) Rick Guyatt
(q) Harold Hummel
(r) Jim McDonald

NOTE: The City of Hamilton by adopting certain by-laws has established that Regional employees inspect sewer and water services between a building and the property line. This has been in effect since 1975 January 1. The employees carrying out this work have to be appointed as plumbing inspectors which was done in By-law 82-133. Since that time staff changes have taken place and, therefore, it is necessary to update the Schedule "A" to the 1982 by-law naming the individuals.

The recommended By-law does not alter any jurisdiction or work load, but is simply a housekeeping amendment to avoid a person challenging the employee's carrying out their duties.

Cash-in-lieu of Parkland - Randall Estates - Phase 6.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 September 20, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Randall Estates - Phase 6".

The Committee **APPROVED** the following:

That the City of Hamilton **ACCEPT** the sum of $11,050. as cash payment in lieu of 5% dedication in connection with Randall Estates - Phase 6 Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Sherman Avenue and north of Stone Church Road East, in the Randall Neighbourhood, Hamilton.

Comprehensive Audit Report - Community Development Department.

The Committee was in receipt of a copy of the Comprehensive Audit Report conducted on the Department of Community Development dated 1988 December.

The Committee was also in receipt of an Added Response Report to the Comprehensive Audit Report from the Director of Community Development dated 1989 July 13.

The Committee agreed to **TABLE** this matter until the next meeting in order that they could have an opportunity to thoroughly review the Director of Community Development's response to the Comprehensive Audit Report.

Fabricate and Deliver Ninety (90) Refuse Containers, Phase IV, Downtown Action Plan.

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 October 6, respecting Fabricate and Deliver Ninety (90) Refuse Containers, Phase IV, Downtown Action Plan.

The Committee was also in receipt of an Information Report from the Director of Public Works in a revised report distributed at the meeting dated 1989 October 10, respecting these garbage containers.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1989 October 6, respecting these refuse containers.

Mr. Reinhold, Public Works Department outlined this design. Mr. Reinhold was responsible for the design of these refuse containers.

Ms. J. McNeilly of the Community Development Department and Mr. D. Heintz of the Public Works Department also spoke to this issue.

General discussion then ensued on this matter by the Committee and the Committee **APPROVED** the following:

That a purchase order **BE ISSUED** to Lindsay Steel Fabricating Ltd., Lindsay, in the amount of $62,052. for the fabricating and delivery of Ninety (90) Refuse Containers, Phase IV Downtown Action Plan in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Phase IV Downtown Action Plan Account #CF5200 428803003.

The Committee also **AGREED** that this project should be reviewed in six months time to evaluate the cost, effectiveness, maintenance operation, etc. of this type of refuse collection. It was also **AGREED** that no other areas should be provided with this equipment before that time.

Alderman Smith also requested that the design be altered slightly in order that holes could be placed in the sides for ventilation should a person be placed in them accidentally or as a joke.

Proposed renaming of a part of Cannon St. West from Bay Street westerly to the intersection with York Blvd. and Queen St. North.

The Committee was in receipt of a report forwarded to them from the Secretary of the Committee from the Commissioner of Planning and Development dated 1989 September 30, respecting Proposed Renaming of a part of Cannon Street West from Bay Street westerly to the intersection with York Boulevard and Queen Street North. This report **HAD BEEN TABLED** at the 1989 September 27 meeting, in order that Alderman McCulloch could be in attendance to speak to this matter.

Alderman McCulloch spoke to the Committee and explained the particular area where this small portion of Cannon Street is located.

The Committee then **APPROVED** the following:

That the Planning and Development Department be requested to solicit comments from owners of properties located on Cannon Street West, on that portion between Bay Street North and the intersection of York Boulevard and Queen Street North, respecting a requested street renaming to "Cannon Boulevard".

Proposed Amendment 58/89 to the Niagara Escarpment Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 2, respecting proposed Amendment 58/89 to the Niagara Escarpment Plan.

The Committee **APPROVED** the following:

(a) That the Council of the Regional Municipality of Hamilton-Wentworth **BE ADVISED** that the City of Hamilton does not object to proposed Amendment 58/89 to the Niagara Escarpment Plan and that the modifications outlined in the report of the Commissioner of Planning and Development dated 1989 October 2nd, be considered for introduction to the proposed Amendment; and,

(b) That the City Clerk **BE DIRECTED** to inform the Council of the Regional Municipality of Hamilton-Wentworth regarding (a) above and forward a copy of this Report to the Region.

NOTE: The Niagara Escarpment Commission has requested the City to submit comments to the Region of Hamilton-Wentworth on proposed Amendment 58/89 to the Niagara Escarpment Plan. The Amendment is intended to expand the Heritage Policies of the Niagara Escarpment Plan.

Copies of the Report of the Commissioner of Planning and Development are available from the Committee Secretary upon request.

With respect to this particular item, Alderman Smith requested that L.A.C.A.C. look at waterfalls along the Niagara Escarpment with a view to designating them for their historic value.

Proposed Amendment No. 23 to the Official Plan of The City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 25, respecting proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee **APPROVED** the following:

(a) That the Regional Municipality of Hamilton-Wentworth **BE NOTIFIED** that the City of Hamilton endorses proposed Official Plan Amendment No. 23 to the City of Stoney Creek except for the proposed modifications outlined in the report of the Commissioner of Planning and Development dated 1989 September 23.

(b) That the Region **BE REQUESTED** to initiate meetings between the Cities of Hamilton and Stoney Creek to discuss the proposed modifications; and,

(c) That the City Clerk **BE DIRECTED** to inform the Regional Municipality of Hamilton-Wentworth regarding (a) and (b) above and forward a copy of the Report of the Commissioner of Planning and Development to the Region.

NOTE: The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to introduce a new Secondary Plan for a portion of the West Mountain Planning District, known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan.

Copies of the Report of the Commissioner of Planning and Development are available from the Committee Secretary upon request.

With respect to this matter, Alderman McCulloch requested that the Bruce Trail Association be kept in mind when the areas are linked so as not to disrupt the Trail. Mr. Godley of the Planning Department advised that this is occurring and Mr. Abraham also advised that the ongoing items with respect to this matter will be brought to the Planning and Development Committee.

Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 6, respecting Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee was also in receipt of Appendix "A", respecting the proposed Work Program.

Mrs. Carolyn Floroff of the Planning Department outlined this report and the Work Program with respect to the Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee **AGREED** that funding of 100% of the cost be requested from the Province, as well as Provincial lands being identified for construction of affordable housing.

The Committee then **APPROVED** the following amended resolution:

(a) That the "Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing: **BE APPROVED**; and,

(b) That the Planning and Development Department 1990 Work Program and Budget **MAKE** appropriate allocations to undertake implementation of the above noted Provincial Policy Statement; and,

(c) That the Planning and Development Department **BE DIRECTED** to make application to the Province for 100% grant funding to undertake the above noted implementation project by submitting Council's resolution of approval and the Work Program.

(d) That the Planning and Development Department **BE DIRECTED** to identify Provincially owned land in the City of Hamilton and encourage the Province to develop these lands by building affordable housing.

NOTE: The Provincial Policy Statement on Land Use Planning for Housing requires Council's approval of a work program by 1989 November 1, which will detail how the municipality intends to implement the Policy Statement through amending the Official Plan and Zoning By-law; streamlining the development approval process; and establishing a monitoring process to ensure the Statements realization.

Copies of the Work Program are available from the Committee Secretary upon request.

Reduction of Quorum for L.A.C.A.C.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 5, respecting Reduction of Quorum for L.A.C.A.C.

The Committee **APPROVED** the following:

That notwithstanding Section 33(3) of the City of Hamilton Procedural By-law No. 82-203, the quorum for the Local Architectural Conservation Advisory Committee **BE REDUCED** from six (6) members (constituting a majority) to five (5) members.

Proposed Business Sign - 712 Main Street East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Proposed Business Sign - 712 Main Street East.

The Committee **APPROVED** the following:

That **APPROVAL** be given to the owner's request for a change in commercial signage to (5' x 5') from (4' x 6') for the sign to be erected in front of 712 Main Street East, a property included in the St. Clair Heritage Conservation District.

NOTE: City Council at its meeting held 1989 August 29 gave approval for a proposed business sign for Jag Realty Inc., to be erected by the new owner of the commercial property at 712 Main Street East, in the St. Clair Heritage District and that this sign not exceed 6' x 4' in dimensions.

The owner of this property has subsequently decided on a signage size of 5' x 5' and requests approval for the size change of the sign.

Heritage Permit - Pigott Building Lobby.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 4, respecting Heritage Permit - Pigott Building Lobby.

The Architectural Historian for L.A.C.A.C. spoke to this matter and requested an amendment to the resolution which would require that any fixtures which cannot be moved be replaced rather than painted.

The Committee then **APPROVED** the following amended resolution:

(a) That a Heritage Permit **BE APPROVED** for the alterations to the Pigott Building lobby required for fire safety purposes under the Building Code; and

(b) That the owners **BE REQUESTED** to move the red fire alarm bell, if permitted, from the ceiling which is now under restoration and to ensure that those required fixtures which cannot be moved be replaced by ones matching in colour to the ceiling.

Designation - 72-74 George Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Designation of 72-74 George Street.

The Committee **APPROVED** the following:

(a) That **APPROVAL** be given to the "Intent to Designate" 72-74 George Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked **Appendix** "A".

(b) That the City Solicitor **BE AUTHORIZED** and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Designation - James Street Baptist Church, 96 James Street South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Designation of James Street Baptist Church, 96 James Street South.

The Committee **APPROVED** the following:

(a) That **APPROVAL** be given to the "Intent to Designate" James Street Baptist Church at 96 James Street South as property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked **Appendix** "B".

(b) That the City Solicitor **BE AUTHORIZED** and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Heritage Permit - Sign canopies - Sun Life Building - 64 James Street South.

The Committee was in receipt of an added report from the Director of Local Planning dated 1989 October 5, respecting Heritage Permit for sign canopies - Sun Life Building, 64 James Street South.

The Committee **APPROVED** the following:

That a Heritage Permit **BE APPROVED** for three traditional awning style sign canopies to be installed over the front entrance and two windows of the restaurant (Ruffage Restaurant) on the ground floor of the Sun Life Building.

Zoning Applications.

The Committee then adjourned into the City Hall Council Chambers to hear Zoning Applications.

ZA 89-22 - 1514-1530 Upper James Street.
ZA 89-23 - 1508 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 4, respecting Zoning Application 89-22, for property located at 1514-1530 Upper James Street. The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1989 October 5, respecting Zoning Application 89-23, for property at 1508 Upper James Street.

Alderman Ross, Ward Alderman for these applications spoke to these applications and asked that both items be tabled until no later than 1990 January, in order that he can have an opportunity to view site plans for both and review both applications.

The Committee then agreed to **TABLE** Zoning Application 89-22 and Zoning Application 89-23.

ZA 89-71 - 57 Rymal Road West.

The Committee was in receipt of a report from the Commissioner of Planing and Development dated 1989 October 3, respecting Zoning Application 89-71, for property at 57 Rymal Road West.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-71, Angelina Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at 57 Rymal Road West, as shown on the attached map marked as **Appendix** "C", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) That a minimum of 3.0m wide landscaped planting strip and a visual barrier of not less than 1.2m and not more than 2.0m in height shall be provided and maintained along the entire southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1145;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 57 Rymal Road West.

The effect of the By-law is to permit future commercial development for the subject property.

ZA 89-52 - 1036 Upper Wentworth Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 4, respecting Zoning Application 89-52, for property at 1036 Upper Wentworth Street.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-52, Duncan Beattie Insurance Agency Ltd., owner, requesting a further modification to "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, to permit the construction of a new two storey building containing an insurance office on the first floor and an apartment unit on the second floor, for the property located at 1036 Upper Wentworth Street, as shown on the attached map marked as **Appendix "D"**, on the following basis:

(a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law 81-305 and By-law 83-83, applicable to the subject lands, be further amended on the following basis:

(i) That By-law 83-83 be repealed in its entirety.

(ii) That By-law 81-305 be amended as follows:

(1.) By deleting the words "within the existing building" from Section 2.(a)(i)1; and,

(2.) By adding the following new use as Section 2.(a)(iii);

"(iii) Residential Use:

1. One dwelling unit above the permitted commercial use".

(iii) That notwithstanding Section 14A(3)(a), a front yard having a depth of at least 1.0m shall be provided and maintained.

(iv) That Section 14A(3)(b) shall not apply to the northerly side yard.

(v) That a minimum 3.5m wide access driveway shall be provided and maintained adjacent to the northerly side lot line.

(vi) That notwithstanding Section 14A(4), a minimum lot area of 263m^2 shall be provided and maintained.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-768b, and the subject lands on Zoning District Map E-18A be noted S-768b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, for the property located at 1036 Upper Wentworth Street.

The effect of this By-law is to permit the construction of a new two storey building, containing an insurance office on the first floor and an apartment unit on the second floor.

In addition the By-law provides for the following variances:

(a) To provide a minimum lot area of 263m^2 whereas, 360m^2 is required;

(b) To provide a minimum front yard of 1.0m instead of the required 12m;

(c) To exempt the development from providing a northerly side yard; and

(d) To provide a minimum 3.5m wide access driveway adjacent to the northerly side lot line, whereas a minimum 6.0m wide access is required.

ZA 89-59 - 140 Oak Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-59, for property at 140 Oak Avenue.

The Committee **APPROVED** the following:

(A) That **APPROVAL** be given to Zoning Application 89-59, Munro Metal Products Ltd., prospective owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit the production of ductwork and fittings into the existing building, for the property located at 140 Oak Avenue, as shown on the attached map marked as **Appendix** "E", on the following basis:

(a) That the "H" (Community and Shopping, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 14(1), sheet metal duct and fittings manufacturing shall be permitted;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1146, and that the subject lands on Zoning District Map E-12 be notated S-1146;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council:

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law **NOT BE PASSED** by City Council until such time as the applicant enters into an encroachment agreement with the City for the existing building.

NOTE: The purpose of this by-law is to provide for a modification to the "H" (Community Shopping and Commercial, etc.) District, for the property located at 140 Oak Avenue.

The effect of this by-law is to permit the relocation of the production facilities of the metal duct and fittings manufacturer from its present location at 154 Oak Avenue to 140 Oak Avenue.

ZA 89-62 - 43, 45 and 47 Caroline Street North and 57 Napier Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-62, for property at 43, 45 and 47 Caroline Street North and 57 Napier Street.

The Committee **APPROVED** the following:

(A) That **APPROVAL** be given to Zoning Application 89-62, 819814 Ontario Inc., owner, requesting a modification to the existing "E-3" (High Density Multiple Dwellings) District, to permit the temporary use of the existing lands as a parking lot for a three year period, for property located at 43, 45 and 47 Caroline Street North and 57 Napier Street, as shown on the attached map marked as **Appendix "F"**, on the following basis:

(a) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be further modified in accordance with Section 38 of The Planning Act, R.S.O. 1983, to permit the temporary use of the lands as a parking lot for a maximum period of three years;

(b) That a minimum 1.5m (4.9 feet) wide planting strip shall be provided and maintained along all lot lines, except for any area used for an access driveway;

(c) That a visual barrier of not less than 1.2m (3.94 feet) and not more than 2.0m (6.56 feet) in height shall be provided and maintained along the westerly and southerly lot lines;

(d) That the provisions of Section 18A(30) of Zoning By-law No. 6593 shall apply;

(e) That the provisions of Section 18A(24)(b) of Zoning By-law No. 6593 shall apply;

(f) That the provisions of Section 18A(26) of Zoning By-law No. 6593 shall apply;

(g) That the provisions of Section 13C(1) of Zoning By-law No. 6593 shall apply;

(h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1147, and that the subject lands on Zoning District Map W-4 be notated S-1147;

(i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,

(j) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law **NOT BE FORWARDED** for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the proposed By-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District regulations for properties located at 43, 45, and 47 Caroline Street and 57 Napier Street.

The effect of the By-law is to permit the temporary use of the lands as a parking lot for a three year period.

In addition, the By-law provides for:

(a) A minimum 1.5m (4.9 feet) wide planting strip along all lot lines, except for any area used for an access driveway;

(b) A visual barrier of not less than 1.2m (3.94 feet) and not more than 2.0m (6.56 feet) in height along the westerly and southerly lot lines;

(c) Grading, drainage, and paving of the lands;

(d) The parking lot to be property marked in terms of parking spots and to have bumpers;

(e) The access/egress driveways shall be a minimum of 3.0m (9.85 feet) from the adjoining residential properties; and,

(f) The attendant's shelter and directional sign.

ZA 89-64 - 6 Olmstead Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-64, for property at 6 Olmstead Street.

Report of the circularization was given as follows:

482 notices sent 30 in favour 25 opposed

The owner of property at 87 Carling Street was in attendance speaking on behalf of her mother who lives at 34 Olmstead Street. She advised that they are opposed to this application and is concerned at the over density with apartment buildings now and the impact that an additional apartment building would have on the limited sunlight now available to that area.

Mr. Paul Daniel, Developer and Mr. Delegotto, of the Developer's office spoke on this matter and asked why Olmstead Street has not been extended.

Mr. K. Brenner of the Regional Engineering Department advised that the grading is too steep for vehicular access and therefore an extension to Olmstead has never been done. He added that Olmstead could possibly have a bicycle path or a pedestrian traffic path.

The Developers then spoke on the existing buildings in the area and spoke on the proposed project and why this application should be approved. The Developer also circulated pictures of the area and a sketch of the proposed development.

The Committee then discussed this matter and agreed to **TABLE** this application in order that the proposed site plans can be submitted to staff and that discussion can be held with the applicant and staff on a more acceptable plan.

ZA 89-69 - 167 Hunter Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-69, for property at 167 Hunter Street East.

Alderman McCulloch requested that the wall sign approval be deleted and members of the Committee **AGREED** to this. Discussion also ensued on the historic aspects of the building and L.A.C.A.C.'s recommendation with respect to this matter.

The Committee then **APPROVED** the following amended resolution:

That **APPROVAL** be given to Zoning Application 89-69, Center Gate Properties Ltd., owner, requesting a further modification to the "E-3" (High Density Multiple Dwellings) District, to permit professional offices (excluding medical offices) within the existing building, for the property located at 167 Hunter Street East, as shown on the attached map marked as **Appendix "G"**, on the following basis:

(a) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 11C(1), the following additional uses shall be permitted:

(1.) Commercial Use:

A professional person's office, excluding a medical office, within the existing one-storey building located at 167 Hunter Street East.

(2.) Accessory Use:

One ground sign, or projecting sign having an area of not more than $0.4m^2$, non-illuminated or illuminated by non-flashing indirect or interior means only, located at least 1.5m from the nearest street line in connection with the commercial use.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1078a, and that the subject lands on Zoning District Map E-5 be notated S-1078a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for a further modification to the "E-3" (High Density Multiple Dwellings) District for the property located at 167 Hunter Street East.

The effect of this by-law is to permit a professional office, excluding medical office, within the existing one-storey building.

In addition, a ground or projecting sign will be permitted, provided that:

(a) The area does not exceed $0.4m^2$ (4.92 ft.) in area;

(b) It is either non-illuminated or illuminated by non-flashing, indirect or interior means only; and,

(c) It is located at least 1.5m from the nearest street line.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 October 11

Tuesday, 1989 October 31
7:15 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held to review the request for the removal of the 'H' (Holding) Symbol for 1400 Upper James Street and the issuance of a demolition permit for 1423 Upper Gage Avenue.

Attendance

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor R. Morrow
Alderman M. Kiss
Alderman D. Christopherson
Alderman H. Merling
Alderman D. Ross
Alderman W. McCulloch
Alderman B. Hinkley

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. L. King, Building Commissioner
Ms. L. Lawrence, City Solicitor's Department
Ms. C. Coutts, Acting Secretary

Removal of 'H' Symbol for 1400 Upper James Street

The Committee was in receipt of a report dated 1989 October 19 from the Commissioner of the Planning and Development Department respecting the request for the removal of the 'H' (Holding) Symbol for 1400 Upper James Street.

The Committee approved the following:

> That approval be given to Zoning Application 89-100, Bayfield Green Development Ltd., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 34(1) of the Planning Act, and that the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 1400 Upper James Street, as shown on the attached map marked as APPENDIX "A".

Demolition Permit for 1423 Upper Gage Avenue

The Committee was in receipt of a report dated 1989 October 25 from the Building Commissioner respecting the issuance of a demolition permit for 1423 Upper Gage Avenue.

The Committee approved the following:

> That the Building Commissioner be authorized to issue a demolition permit for the following property:
>
> a) 1423 Upper Gage Avenue

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman J. Smith, Chairman
Planning and Development Committee

C. Coutts

C.J. Coutts, Acting Secretary

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: November 8, 1989
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

a. 194 West Avenue North
b. 158 Mud Street

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: November 8, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A	194 West Avenue North	SFD	SFD	38' X 125'	Fernando Felix	D	It is recommended that Committee approve demolition.
B	158 Mud Street	Multiple Dwelling	East/West Freeway	148' X 264'	Regional Municipality of Hamilton Wentworth	AA	Note: Demolished (dismantled as per unsafe order dated, October 31, 1989 which requir action within 48 hours (see attached order). Demolition permit issued November 7, 1989 by L.C. King

L. C. King, P. Eng.
Building Commissioner

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE N.

ORDER TO COMPLY

ISSUED TO	LOCATION
Reg. M.-Hamilton-Wentworth	158 Mud Street(RES)
Attn: Dale Turvey	HAMILTON, Ontario.
25 Main St.W.-Ste.1010	
Hamilton, Ontario L8N 1T4	

TAKE NOTICE THAT THE fire damaged building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code	Fire damage to the building has resulted
	Act R.S.O. 1980	in it being structurally inadequate:
	Chapter 51	therefore, causing the building to be unsafe.
	as amended	
	Section 10(2)	
		REQUIREMENT TO COMPLY:
		Shore up or reconstruct the existing fire
		damaged floor, roof and walls at the rear
		of the building. Board up to prevent further
		trespass. OTHERWISE DEMOLISH THE EXISTING
		BUILDING.
	cc:Dan Vyce Real Estate	
	"Pursuant to The Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(c)	

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN forty-eight (48) hours

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY LAW

HAND DELIVERED Barbara Blackwood for THIS ORDER RECEIVED BY Dale Turvey	Oct.31/89 DATE	Len C. King Chief Official/INSPECTOR	Oct.31/89 DATE

PHONE DIRECT 526-2782

FOR INFORMATION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

DATE: 1989 November 9
COMM FILE:
DEPT FILE: 89.2.4.2.1

SUBJECT: Issuance of Building Permits

BACKGROUND:

The Planning and Development Committee at their meeting of September 27, 1989 requested that this Department report back to the Committee with respect to those developers who have been carrying on construction without a building permit.

Section 5 of The Building Code Act states that "no person shall construct or demolish or cause to construct or demolish a building in a municipality unless a permit has been issued therefore by the Chief Official". If someone carries on construction without a permit, an inspector may issue an Order to Comply pursuant to Section 8(2) of The Building Code Act. This Order to Comply must indicate a period of time to comply, i.e. 1 day, 7 days or 14 days. If the builder does not obtain his permit or he does not stop construction, the Chief Official may issue a Stop Work Order pursuant to Section 8(5) of The Building Code Act.

If the constructor fails to comply with the Order to Comply or Stop Work Order, the Building Department may lay charges. The penalties under Section 24 of The Building Code Act for an individual allows for a maximum $2000.00 fine or imprisonment for a term not to exceed one year or both, and in the case of a Corporation, a penalty up to $10,000.00. For the Committee's information, The Building Code Act is presently under review and it is proposed to increase these fines substantially. It is also possible to charge someone who is guilty of contravening a Stop Work Order with a continuing offence under Section 24(3) of The Building Code Act which also fines a maximum of $100.00 a day.

In addition to the above remedies, it is possible to obtain an Injunction from the courts. If the City is successful in seeking a Court Order the court would issue an Order prohibiting further construction.

Also for your information, the City of Toronto passed a by-law requiring that those individuals commencing construction without a building permit should pay double the building permit fee.

At the present time it is this Department's opinion that the penalties provided for in The Building Code Act are sufficient deterrents to discourage illegal construction activity. The vast majority of constructors comply with the requirements of The Building Code and furthermore, those who commence construction without a building permit normally stop construction when they receive a Stop Work Order.

c.c. Mr. Lou Sage
Chief Administrative Officer
c.c. Alderman Don Ross

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. L. King
Building Commissioner,
and,
Mr. V. Abraham
Director of Local Planning
Attention: Mr. J. Sakala

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **Issuance of Building Permits.**

DATE: 1989 October 6

You will recall that Alderman Ross at the last Planning and Development Committee meeting held Wednesday, 1989 September 27 raised some concerns at recent developers who are proceeding to build without a building permit.

Attached for your reference is an article which was published in the Hamilton Spectator on 1989 September 27, respecting this matter.

Alderman Ross requested that staff report on how this type of occurrence can be stopped in order that developers are not forcing the City into issuing building permits and approving site plans as a result of the actions that have been taken by the developers in laying the ground work.

Accordingly, would you please provide me with this report for the Committee's perusal.

You may wish to discuss this matter more thoroughly with Alderman Ross.

Susan K. Reeder.

SKR:dbm
Attch.
c.c. - Alderman D. Ross

Alderman out to force developers to follow city regulations

Sept 21/89

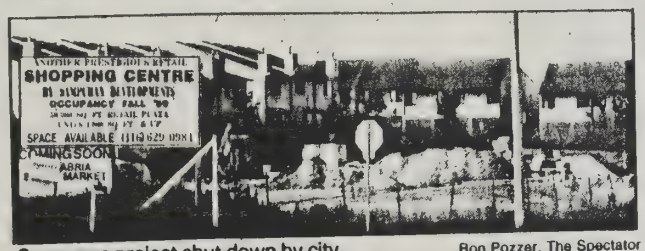
By DOUG LEFAIVE
The Spectator

ALDERMAN DON Ross says he's tired of having the city's building regulations ignored by developers and wants city staff to find a way to force them to obey the rules.

Mr. Ross said some developers ignore the rules and "then end up laughing at you because they get away with it."

For example, he said, a developer recently built a 36-home subdivision on the east Mountain without building permits and even continued work after the city ordered him to stop.

"And he got away with it" because he was allowed to apply for the permits retroactively, Mr. Ross said.



Sampuran project shut down by city. Ron Pozzer, The Spectator

The alderman plans to ask city staff at next week's planning and development committee meeting to investigate how to prevent such a situation from happening again.

The latest project to raise the alderman's ire is a 4,645-square-metre (50,000-square-foot) shopping plaza under construction at the corner of Upper Paradise and Stone Church roads.

On Friday, with some of the concrete footings already in place, the project was shut down by the city's building department because the developer, Sampuran Developments, didn't have a building permit.

The operator of a front-end loader working on the site yesterday had the city's permission to fill in the trenches beside the footings.

Sam Benet, president of the Mississauga-based firm, which hasn't built in Hamilton before, called the whole thing a "misunderstanding."

He said city staff led him to believe that he didn't need a building permit until he built above ground level.

He added he thought the site plan had already been approved and was just awaiting a formal signature.

Sampuran will abide by the stop-work order and wait until it has a permit before resuming work on the plaza, which will include a bank and a Calabria supermarket, Mr. Benet said.

Mr. Ross said he'll organize the public meeting necessary for site approval as soon as possible, and if there are no problems the building permit could be ready within three or four weeks.

But, he added, since work has already begun, things might be more difficult.

"If there are any amendments to the site plan — changes in design, changes in location of things — it is pretty tough to change things when the footings are there. It puts us (the public and politicians) at a bit of a disadvantage."

Mr. Benet had hoped to have the plaza open to tenants within three or four months and is upset by the extra delay.

He said he's been trying to get a building permit for four months.

"It's red tape. It's definitely red tape. I don't know why it should take three weeks," he said. "But still I have to obey that."

Mr. Ross said he's not against development.

"But do it properly. Get the proper permits and go through the proper channels."

Otherwise, there'll be chaos, he said.

FOR ACTION

4.

REPORT TO: Susan Reeder, Secretary
Planning & Development Committee

FROM: L.C. KING, P.Eng.
Building Commissioner

DATE: November 9, 1989
COMM. FILE:
DEPT. FILE:

NOV 9 1989

SUBJECT:

37 Strathcona Avenue North
(Former Strathcona Fire Station)

RECOMMENDATION:

That the application for demolition of the above-noted designated building be referred to L.A.C.A.C. for consideration and recommendation.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

On October 31, 1989, this Department received an application for a demolition permit on behalf of the owner of the above-noted building for demolition of the Strathcona Fire Station at the corner of Head Street and Strathcona Avenue. The Planning and Development Committee at its meeting held on July 25, 1989 recommended designation of this building. On September 26, 1989, By-law No. 89-271 designated the Strathcona Fire Station as a property of historic and architectural value and interest. Any proposed demolition of this building is subject to the requirements under the Ontario Heritage Act.

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

DATE: 1989 November 8
COMM FILE:
DEPT FILE:

SUBJECT: PARTIAL RELEASE OF HOLDBACK

NOV 9 1989

RECOMMENDATION:

That partial holdback in the amount of $17,000.84 be released to McLean-Peister Limited for the completion of P.O. 34116 for Stipeley-Crown Point West P.R.I.D.E. pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

E. C. Matthews

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by Council November 29, 1988 for $194,405.00. As of August 31, 1989, the project was totally performed for a final cost of $186,386.22. The 45 day lien period has expired and I am recommending release of holdback monies requested at this time pending receipt of the necessary release forms by the Treasury.

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 November 8
COMM FILE:
DEPT FILE: 800-0014.4

SUBJECT: Locke Place Potential Business Improvement Area (B.I.A.)

RECOMMENDATION:

a) That, a Community Improvement Project Area be designated as per the attached Schedule 'A' for Locke Place, on Locke Street between Main and Herkimer Streets in conformity with the Planning Act, Section 28.

b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.

c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Locke Place Community Improvement Plan as required under the Planning Act, Section 17.

E. Kowalski

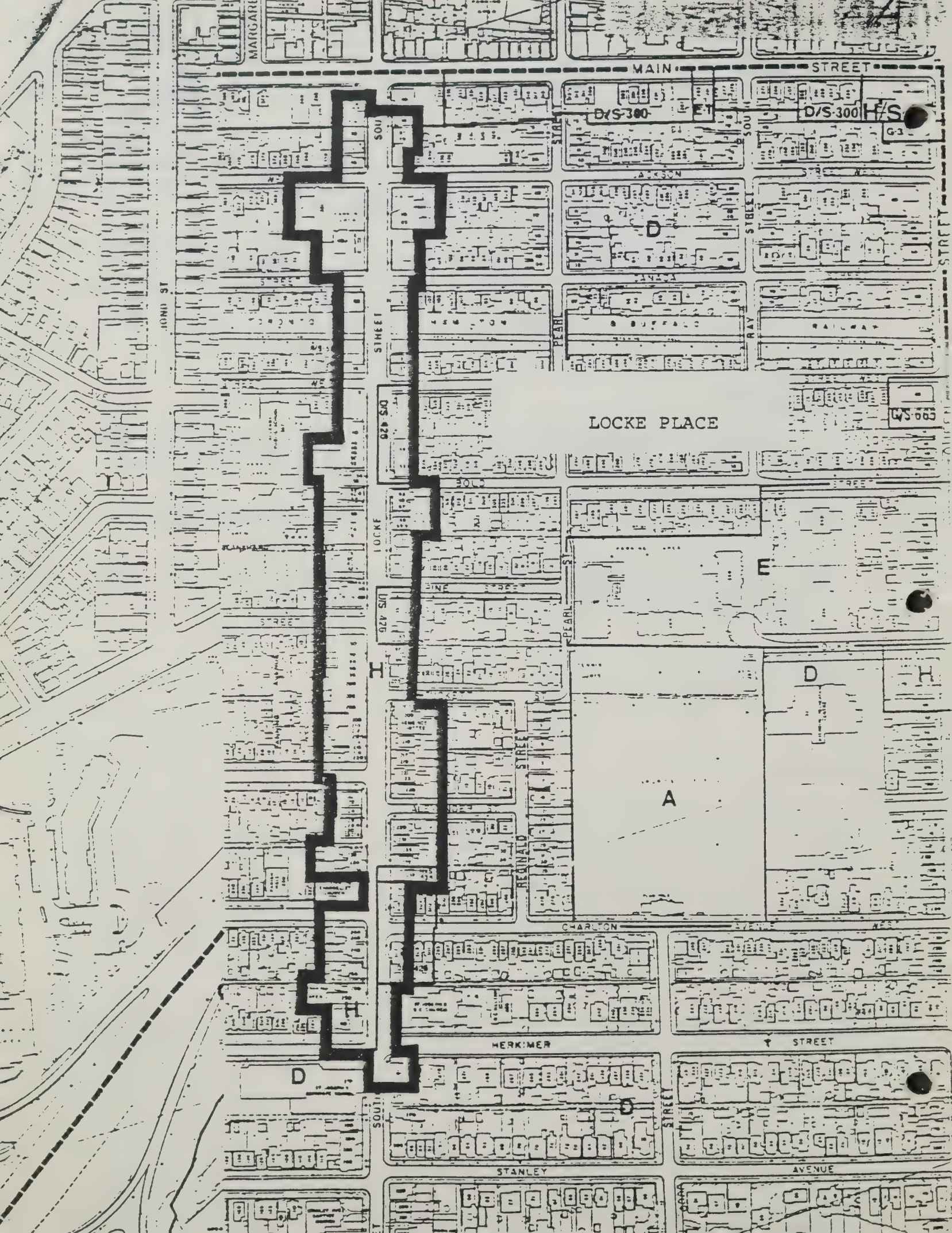
FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

The Planning Act, Section 28, Sub-Section #7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke Street South from Main to Herkimer Streets, the Community Improvement Project Area must be adopted by By-law and approved by the Ministry of Municipal Affairs.

On 1989 October 10, City Council approved Item #6 of the 23rd Report of the Planning and Development Committee, for a recommendation to prepare a Community Improvement Plan for the area.


MAIN STREET
D/S 300
D/S 300
H/S
LOCKE PLACE
D/S 426
D/S 426
D/S 683
PEARL
PEARL ST
LOCKE STREET
SOUTH ST
MARGARET
STREET
D
E
A
H
CHARLTON
HERKIMER
STREET
STANLEY
AVENUE

FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 November 8
COMM FILE:
DEPT FILE: 800-0014.12

SUBJECT: Main Street West Potential Business Improvement Area (B.I.A.)

RECOMMENDATION:

a) That, a Community Improvement Project Area be designated as per the attached Schedule 'A' for Main Street West, between Locke and Queen Streets in conformity with the Planning Act, Section 28.

b) That, the City Solicitor be authorized to prepare the necessary By-law for (a) above.

c) That, the Planning and Development Committee hold a public meeting to hear citizen input on the Main Street West Community Improvement Plan as required under the Planning Act, Section 17.

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

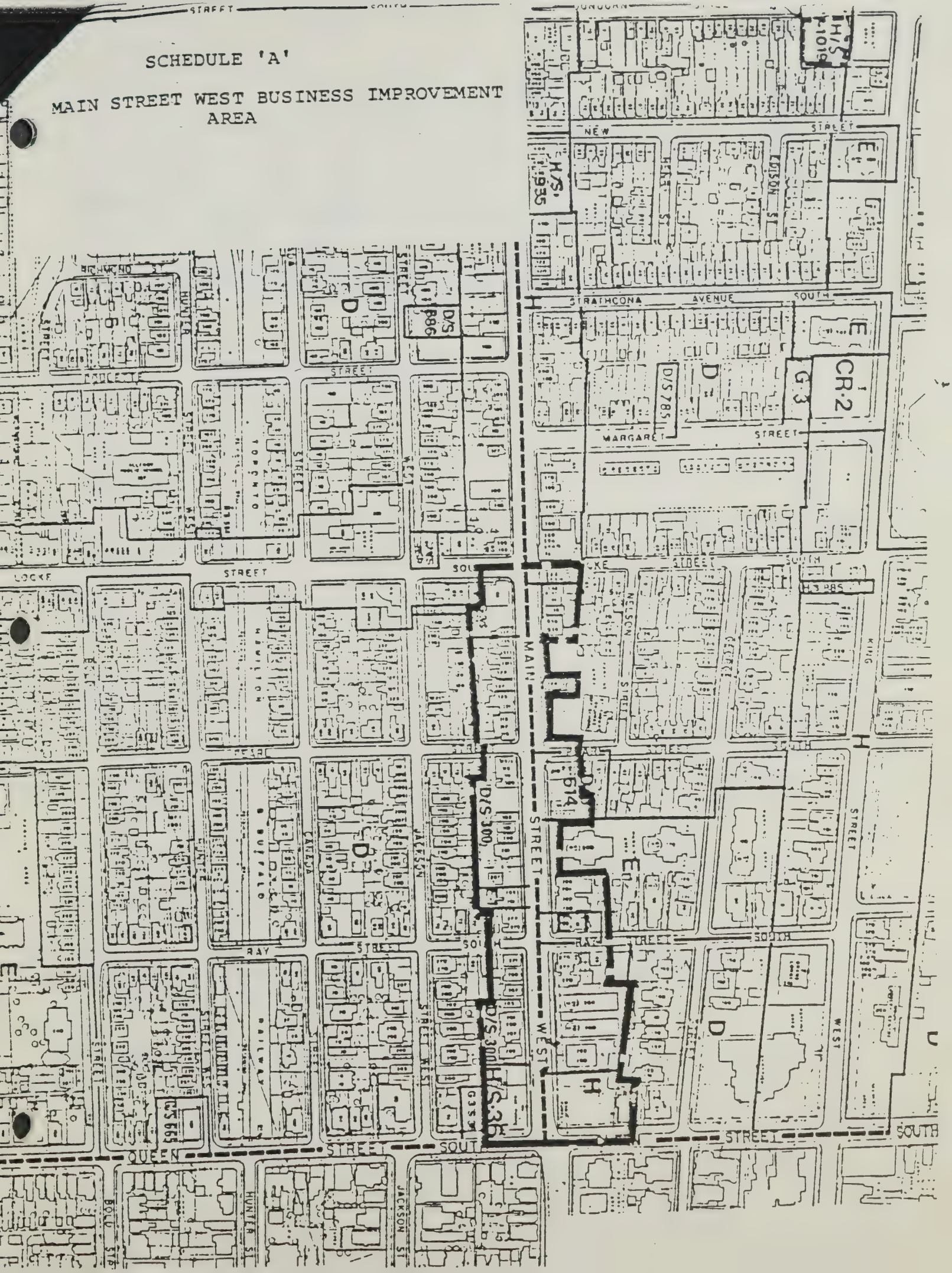
BACKGROUND:

The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan". In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Main Street between Locke and Queen Streets, the Community Improvement Project Area must be adopted by By-law and approved by the Ministry of Municipal Affairs.

On 1989 October 10, City Council approved Item #5 of the 23rd Report of the Planning and Development Committee for 1989, for a recommendation to prepare a Community Improvement Plan for the area.

SCHEDULE 'A'

MAIN STREET WEST BUSINESS IMPROVEMENT AREA



FOR INFORMATION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 November 9
COMM FILE:
DEPT FILE: 32-0001.2

SUBJECT: Comprehensive Audit Report;
Department of Community Development, Community Renewal and Housing Loans Sections;
Departmental Comments

BACKGROUND:

In response to the Planning and Development Committee's direction at its meeting held 1989 November 01, the Department of Community Development offers the following:

This report addresses the Community Renewal and Housing Loans Sections only. The Waterfront and Municipal Non-Profit Housing Sections will be dealt with via the appropriate committees.

Many of the recommendations contained within the Comprehensive Audit Report have already been addressed through earlier reports to Council. On the whole, as indicated by the consultant, the Community Development Department is successful in its Community Renewal and Housing Loans administration and implementation.

The Committee Members should note that within the observations and recommendations for both of these sections there is only one recommendation contained within the Housing Loans Section as follows:

"The Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant's screening criteria to save staff time in completing unused applications." (applications that do not proceed to finalization for various reasons)

This situation had previously been identified by department, staff and, once computers have been purchased and are in use within that section, this recommendation will be addressed.

The Department of Community Development suggests the following points be considered:

...../2

1. The Department of Community Development should be authorized to continue functioning in its present format.

2. The Department is of the opinion that the report must be read in its entirety, and excerpts should not be regarded in isolation as they could be misinterpreted.

3. A more formal goal setting and measure of effectiveness will be utilized by the Community Development staff-particularly management-by holding annual goal setting meetings with follow up meetings to measure effectiveness.

4. Outside consultants should continue to be utilized for their technical expertise in the design and project implementation fields because of the complexities of the projects being undertaken by the Department. (i.e. Downtown Action Plan and the Sanitation Study)

5. Computers will be utilized in each of the sections to assist in reducing the workloads and create a more efficient working environment.

cc: Alderman Wm. McCulloch, Chairman
Finance Committee

Alderman J. Gallagher, Chairman
Comprehensive Audit Sub-Committee

Mr. L. Sage, Chief Administrative Officer

Mr. J. Thompson, Secretary
Comprehensive Audit Sub-Committee and
Secretary of the Finance Committee

Mr. E. Matthews, City Treasurer

F O R I N F O R M A T I

9.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 November 9
DEPT FILE: *800-MNPH-1.13*

SUBJECT:

The Community Development's involvement in the Regional Task Force on Affordable Housing.

BACKGROUND:

The Department of Community Development has been requested by the Regional Task Force on Affordable Housing to provide the services of the Co-ordinator of Housing Loans, Mr. J. Robinson, as a resource person. During the initial stages, it was suggested that resource people would be expected to spend 25% of their time on Task Force business. In the case of Mr. Robinson, it was indicated that his time would be somewhat less, but the exact number of hours was not specified.

Since the Task Force has been established, Mr. Robinson has spent approximately sixteen hours in meetings, and approximately six hours in preparation. Mr. Robinson was also unable to attend at least two other organization meetings because of other commitments. The time spent to date has not affected the delivery of the City Programmes, but if additional time is needed by the Task Force Department, efficiency might suffer. The Sub-committees of the Task Force have now been struck, and it is expected that four major committees will start meetings shortly. As of this date, it is uncertain whether Mr. Robinson will be asked to attend each Committee Meeting, nor has it been determined the frequency of these meetings. It should be noted however, that each of the four sub-committee's has one common topic "Government Housing Programmes". This is where Mr. Robinson's expertise would be most needed.

The Department of Community Development is bringing this matter to the attention of the Planning and Development Committee, as the Department is funded 100% from the Municipalities current budget with no mechanism in place to allocate time for a Regional Task Force.

11a.

DURAND NEIGHBOURHOOD PLAN

IMPLEMENTATION COMMITTEE

c/o Planning and Development Department
7th Floor, Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

November 3, 1989

Susan Reeder, Secretary
Planning and Development Committee
City Clerk's Department
Hamilton City Hall

Dear Ms. Reeder:

RE: **Request for Rezoning - Durand Neighbourhood**

The Durand Neighbourhood Plan Implementation Committee supports the request for consideration of rezoning of the lands in the south of the Durand Neighbourhood from "C" to "B-2" Modified District, as requested by the Bay-Aberdeen Area Ratepayers Association.

At their meeting of September 11, 1989, the Committee adopted the following resolution:

"1. That the Durand Neighbourhood Plan Implementation Committee:

(a) Request the Planning and Development Committee to explore the possibility of revising the "C" Zoning District to "B-2" Modified District in the Durand Neighbourhood.

(b) Request that this rezoning be undertaken as a City initiative, in order that the standard application fee be waived for property owners.

Moved by Marvin Sheppard, seconded by Russell Elman, and adopted."

The Committee supports the proposed rezoning for the following reasons:

- The South Durand area is a distinctive area within Hamilton, due to its large stately homes on large lots, within the "C" Zoning District which includes the area from Aberdeen Avenue southwards, and from Markland Street southwards, for the area east of Hilton Street.

- Recent development in Durand, including the creation of new lots at 65 Markland Street, and the consideration of severances at 105 Aberdeen Avenue, have led to concerns over possible changes in the character of this area.

- The Durand Neighbourhood Plan, approved by City Council in January, 1988, recommended the preservation of the existing residential area. Residential Objective 1, Policy 3, states that "Low residential densities will be maintained in the area south of Charlton Avenue". Objective 1, Policy 8, within the same section states that "The stability of existing residential neighbourhoods will be preserved by means of ensuring that any development proposals are compatible with the existing character of the neighbourhood."

- The types of small-lot infill presently being considered are out of character with the lot sizes of existing development, however, they cannot be prevented by the present zoning by-law requirements.

Therefore, the Durand Neighbourhood Plan Implementation Committee requests that the Planning and Development Committee initiate the process of rezoning the land zoned "C" in the south of the Durand Neighbourhood to "B-2", Modified.

Bruce Charlton
Acting Chairperson
Durand Neighbourhood Plan
Implementation Committee

VG:CS
Durand

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

October 10, 1989.

Refer to File No. P5-2-41
Attention of
Your File No.

Ms. Susan Reeder,
Secretary,
Planning and Development Committee,
City Clerk's Department,
Hamilton City Hall.

Dear Ms. Reeder:

Re: Bay Aberdeen Ratepayers' Association Delegation
to the Planning and Development Committee

The Bay Aberdeen Ratepayers' Association requested me to arrange for them to make a presentation to the Planning and Development Committee on planning issues related to South Durand. The Association have a petition requesting a change of zoning from "C" to "B-2" modified for a large area of South Durand.

As discussed with you on October 4, 1989, could you please place the matter on the Planning and Development Committee agenda at 1:30 p.m. on November 15, 1989.

If you require more information, please call **David Godley** at 526-4229.

Yours truly,

V. J. Abraham, M.C.I.P.
Director of Local Planning

VJA:CS
Neigh. Gen.

cc - M. Sheppard,
104 Aberdeen Avenue,
Hamilton, Ontario.

Durand Implementation Committee

11b.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Nov. 2, 1989
COMM FILE:
DEPT FILE: P5-2-41

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Proposed change in zoning for south Durand Neighbourhood.

RECOMMENDATION:

That the Planning and Development Committee authorize a public meeting to consider a proposed change of zoning from "C" to "B-2" modified and related policies.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning.

J. D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The Bay/Aberdeen Area Ratepayers Association originated as a group concerned about development proposals for 105 Aberdeen Avenue. Their concern spread to the whole of the South Durand area and its protection as an area of distinctive character. Their first initiative for the area was to petition owners to consider a change in zoning (see map) from "C" to "B-2" modified as follows:

	"C" District	"B-2" Modified District
Minimum Frontage	40 ft.	50 ft.
Min. Side Yard	4 ft.	5 ft.
Min. Lot Area	4,000 sq. ft.	5,800 sq. ft.
Conversions	2 units, min. 700 sq. ft. each.	2 units, min. 1,200 sq. ft. each, recognizing existing legal conversions.

In addition, the proposed change would add certain permitted uses and delete others.

The Bay/Aberdeen Area Ratepayers Association are also asking that any zoning by-law which affects the south Durand area be initiated by the City.

The Durand Implementation Committee, set up to implement the Durand Neighbourhood Plan, supports the proposal (see attached letter). The Durand Neighbourhood Association also supports the proposal.

ANALYSIS:

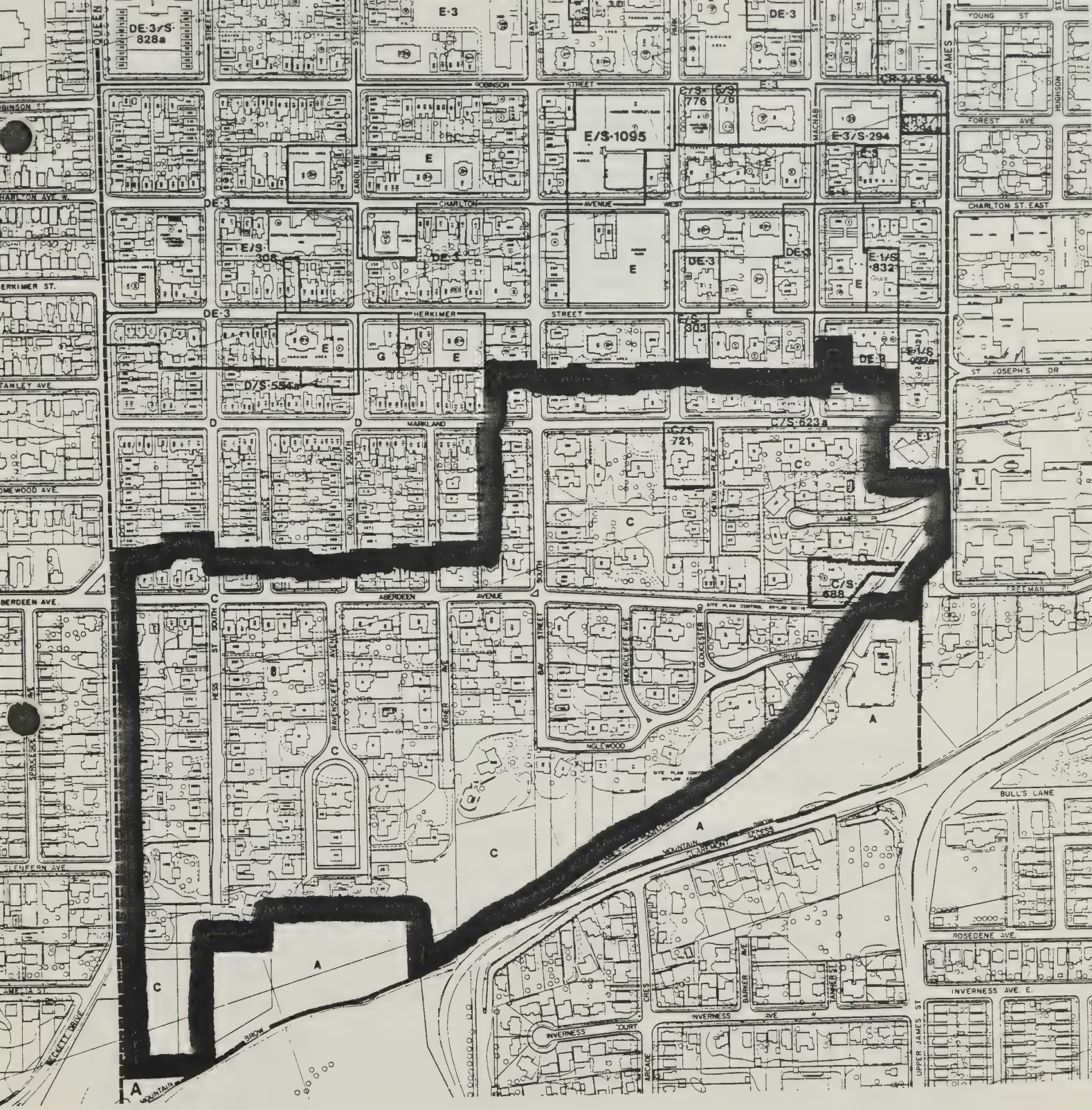
The Central Area Plan and Durand Neighbourhood Plan support the protection of areas of distinctive character. The existing larger lots in the area are more in keeping with a more restrictive "B-2" zoning. Other issues need to be examined as part of the review.

A majority of owners in the area support the consideration of the rezoning.

A public meeting is merited at which submissions should be invited. Policies for both the Central Area Plan and Durand Neighbourhood Plan related to this matter should be reviewed at the same time as the proposed zoning changes. A review of submissions from the public meeting will need to take place and final decisions will be made by the Planning and Development Committee and City Council. It would be normal practice for a zoning review for an area such as this to be done as a city initiative.

Staff time is limited for 1990 and it may be necessary and appropriate to use some of the time set aside for Durand Neighbourhood Plan Implementation in the proposed 1990 Work Program to carry out the review.

DG/ll
Neigh.Gen



AREA OF PROPOSED ZONING CHANGE

104	21	10
92	41	31
93	123	22

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMI

DURAN

ZONIN

Neighbourhood Boundary

Zoning Boundary.

0 SCALE 50m

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton Wentworth

PLANNING UNIT NO 6701

JUNE 19

12a.

DURAND NEIGHBOURHOOD PLAN

IMPLEMENTATION COMMITTEE

c/o Planning and Development Department
7th Floor, Hamilton City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

November 7, 1989

Susan Reeder, Secretary
Planning and Development Committee
City Clerk's Department
Hamilton City Hall

Dear Ms. Reeder:

RE: **Durand Plan Implementation - 1990 Work Program**

The Durand Neighbourhood Plan Implementation Committee supports the inclusion within the 1990 Work Program of 100 days of staff time for implementation of the Durand Neighbourhood Plan.

The Durand Neighbourhood Plan was prepared by Planning Department staff during 1986 - 1987 with extensive input from an Advisory Committee consisting of neighbourhood citizens and business people. The Plan was approved by City Council in January of 1988. It includes a large number of proposed follow-up actions to be undertaken by an Implementation Committee and various municipal departments, to ensure that the character of the neighbourhood is preserved and that land use conflicts and other concerns are resolved. The Implementation Committee has already been established (see attached membership list).

The staff time available within the Planning Department to implement the Plan has been minimal during 1988 and 1989 for a number of reasons, including staff shortages and higher priorities assigned to other projects such as the preparation of neighbourhood plans for developing areas. As a result, policies and actions which have the approval of City Council are not being carried out.

Implementation of the Plan is becoming even more important due to the number of current issues in the area, such as housing policy, housing intensification and affordability, the GO Transit terminal, the James Mountain Road reconstruction, heritage preservation, Niagara Escarpment Commission development control, traffic and parking, and the pressures for redevelopment in this area.

Accordingly, the Durand Neighbourhood Plan Implementation Committee requests:

(1) That the Planning and Development Committee ensure the allocation of 100 days of staff time in 1990 to proceed with implementation of the approved Plan from January of 1990 onward;

(2) That sufficient staff time be made available during the remainder of 1989 to continue the process of reviewing priorities and carrying out actions to ensure the implementation of the Plan, in order to make this a continuous process.

Yours truly,

Bruce Charlton,
Acting Chairperson,
Durand Neighbourhood Plan
Implementation Committee

VG/ll
Durand.Neigh

12b

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Nov. 8, 1989
COMM FILE:
DEPT FILE: P5-2-41

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Durand Plan Implementation - Work Program

RECOMMENDATION:

(1) That the Planning and Development Committee direct the Planning and Development Department to consider the inclusion of staff time for implementation of the Durand Neighbourhood Plan in their Work Program for 1990.

(2) That a member of Planning Department staff attend the meeting of the Durand Neighbourhood Plan Implementation Committee in December, 1989.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

The Durand Neighbourhood Plan Implementation Committee (see Appendix) is requesting 100 days of staff time to deal with implementation matters arising from the Durand Neighbourhood Plan approved by City Council in January, 1988 (see attached resolution).

The issues to be addressed include:

- Land Use and Neighbourhood Character - eg: High Density Residential, Heritage, South Durand Rezoning, etc.; and,
- Services - eg: Traffic and Parking, as indicated in the Durand Neighbourhood Plan.

They have also requested staff to attend the Durand Neighbourhood Plan Implementation Committee meeting scheduled for December 7, 1989.

ANALYSIS:

Minimal time has been allocated to the implementation of the Durand Plan during 1988 and 1989 due to the priority of other projects.

It is appropriate for staff to attend the Durand Neighbourhood Plan Implementation Committee meeting on December 7, 1989 to assist with the review of priorities and next steps to be undertaken.

The implementation of the Durand Neighbourhood Plan is important because of the need to implement the policies and actions contained in the approved Plan. New and existing development within this important neighbourhood in the Central Area merits the detailed review contained in the Durand Plan.

Work on Durand Neighbourhood should be fitted in with other high priority projects such as Locke Street widening and the Hamilton Beach Neighbourhood Plan.

The Department's work program is currently in preparation and has included consideration of the Durand Implementation Committee request.

DG/VG/ll
Durand.Imp

Revised August 28, 1989

DURAND NEIGHBOURHOOD PLAN

IMPLEMENTATION COMMITTEE

COMMITTEE COMPOSITION AND MAILING LIST

MEMBER	AFFILIATION
Mr. Russell Elman 4 - 245 Bay Street South Hamilton, Ontario L8P 3J3	Durand Neighbourhood Association
Mr. Skip Snelgrove 2405 - 200 Bay Street South Hamilton, Ontario L8P 4S4	Citizen Member
Mr. Peter Hill 312 Bay Street South Hamilton, Ontario L8P 3J8	Durand Neighbourhood Association
Mr. Craig Hartley 162 Herkimer Street Hamilton, Ontario L8P 2H4	Durand Neighbourhood Association (Alternate)
Ms. Janet Black A - 316 James Street South Hamilton, Ontario L8P 3B8	Citizen Member
Mr. Gerald Fruehwirth c/o Jewels Verne 150 James Street South Hamilton, Ontario L8P 3A2	James Street South Business Association
Mr. Geoff Walker D. L. Innes Real Estate Corporation 193 James Street South Hamilton, Ontario L8P 3A8	Metropolitan Hamilton Real Estate Board
Ms. Marilyn Thomson 907 - 181 Jackson Street West Hamilton, Ontario L8P 1L8	Main-Hess Seniors Centre
Mr. Gerard Dion 1 - 143 Bold Street Hamilton, Ontario L8P 1T9	Central Public Home and School Association
	McNab Heritage District Citizen's Committee

Mr. Robert Kreismanis 148 Duke Street Hamilton, Ontario L8P 1X7	Durand Neighbourhood Association
Mrs. Joy Waun 5 - 75 Queen Street South Hamilton, Ontario L8P 3R6	Citizen Member
Mr. Tony Harper c/o A. J. Harper Realty 212 James Street South Hamilton, Ontario L8P 3B1	Citizen Member
Mr. Bruce Charlton 189 Caroline Street South Hamilton, Ontario L8P 3L9	
Mr. Marvin Sheppard 104 Aberdeen Avenue Hamilton, Ontario L8P 2N9	Neighbours Who Care
Vida Mazza 332 Bay Street South Hamilton, Ontario L8P 3J8	Neighbours Who Care (Alternate)

VG:CS\nd
DurandIm

cc - Ald. W. McCulloch
Ald. V. Agro

P5-2-41

23. That the Proposed Durand Neighbourhood Plan - 1987 Update, which represents a major update of the original neighbourhood plan prepared in 1973, be APPROVED.

NOTE: The Durand Neighbourhood Plan has been reviewed and updated to provide a comprehensive and current policy framework to guide development in Durand. The original neighbourhood plan, which was approved in 1973, required updating and modification to reflect recent trends such as redevelopment pressures in the area, and emphasis on issues such as urban design and heritage preservation. The revised plan includes greater detail to provide a basis for the evaluation of development proposals and to guide future actions and studies to address current issues in the neighbourhood.

Copies of the Durand Neighbourhood Plan were distributed to members of the Planning and Development Committee, and are available from the Acting Secretary upon request.

Approved by City Council on January 12, 1988

13.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 NOV 1
COMM FILE:
DEPT FILES: SA-76-16
25T-76024

SUBJECT

Extension of Draft Approval for "Battleridge" Subdivision

RECOMMENDATION

That the Region be requested to grant a one year extension to the draft approval for "Battleridge" Subdivision (Regional File No. 25T-76024).

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director
Local Planning

BACKGROUND

Owner

Sunshine Homes and Di Cenzo Construction Co. Ltd.

HISTORY

Battleridge Subdivision - Gershome Neighbourhood

Draft approved August 29, 1980, for 77 lots for single-family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units).

Phase 1 registered in 1983 for 51 lots for single-family dwellings.

Phase 2 (under separate file as part of a townhouse block) registered in 1984 for 18 lots for single-family dwellings.

Extended in 1983, 1984, 1985, 1986, 1987 and 1988.

Present lapsing date November 29, 1989.

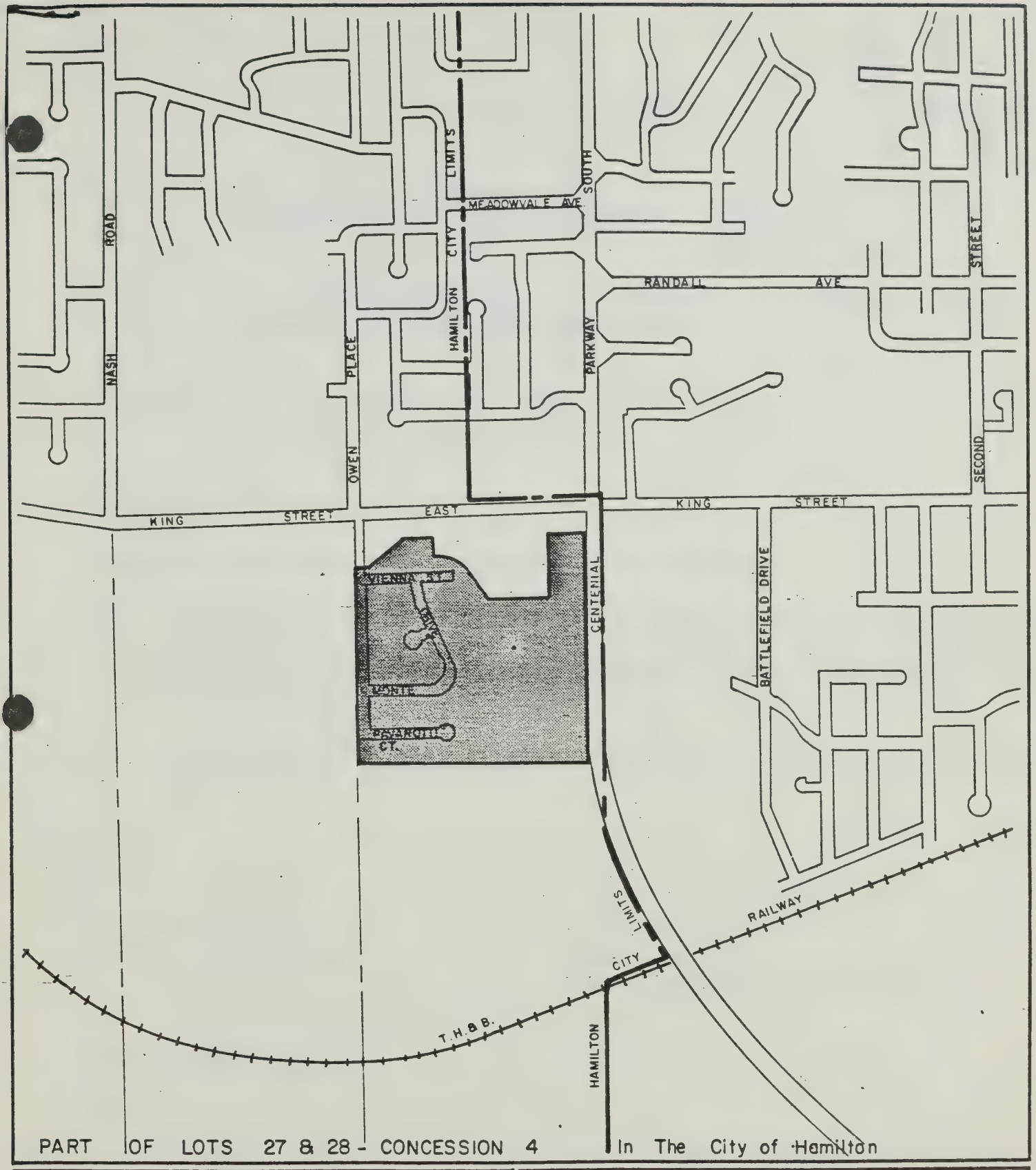
Requesting a further one year extension on the basis that the developer is currently waiting for the results of noise studies before he can proceed with Phase Three.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no request has been made to revise the plan or the conditions, therefore, the request should be supported on the basis of the usual extension of one year.

CMD/jd



Location Plan For

BATTLERIDGE SUBDIVISION

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	1" = 800'	25T-76024
	Date	Drawing No.
	Aug. 1985	85-H-118

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Nov. 3, 1989
COMM FILE:
DEPT FILE: P7-3-2

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

NOV 8 1989

SUBJECT: Proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

(1) The Regional Municipality of Hamilton-Wentworth be notified that proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan will not conflict with the planning intentions of the City of Hamilton, provided the modification outlined in this Report is incorporated into the proposed Amendment; and,

(2) The City Clerk be directed to inform the regional Municipality of Hamilton-Wentworth regarding (1) above and forward a copy of this Report to the Region.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

EXPLANATORY NOTE:

The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 21 (Meadowlands Community) to the Town of Ancaster Official Plan. The Amendment is the result of Ancaster Town Council's adoption of a new secondary plan for the lands located east of Highway No. 403, west of the city limits, south of Mohawk Road West and north of Highway No. 53.

BACKGROUND:

In 1980, the Ontario Municipal Board approved the original secondary plan for the lands located east of Highway No. 403, west of the city limits, south of Mohawk Road and north of Highway No. 53, formerly known as the Allarco lands. The new owners have submitted a revised secondary plan for the area, incorporating more current planning policy and changes in land use. The revised plan was reviewed by a number of agencies, further refined to address various concerns, and subsequently adopted by Ancaster Town Council in August, 1989.

As a result of the revised secondary plan, Proposed Amendment No. 21 was initiated to incorporate a number of changes to the Town of Ancaster Official Plan (see Appendix I). The Town adopted the Amendment in September, 1989, and has submitted it to the Region for final approval. As part of the approval process, the region has requested the City of Hamilton to review and comment on the proposed amendment.

ANALYSIS:

Amendment No. 21 will amend a number of policies in Subsection 5.6, Mohawk and Golf Links Communities (Allarco Area). For example, the amendment will:

- Rename the area "Mohawk and Meadowlands Communities";
- Revise the density and population estimates;
- Delete the staging provisions;
- Establish new Specific Policy Areas; and,
- Introduce other minor policy changes to reflect the new secondary plan.

As well, changes are proposed to Schedules "A", "B", "E", and "F", to reflect the new secondary plan.

In reviewing the proposed amendment, one concern has been identified.

The proposed amendment designates a small portion of the hydro corridor located adjacent to the City of Hamilton and the proposed Industrial Business Park in Ancaster, south of Mohawk Road, as "Industrial", instead of the more appropriate designation of "Open Space and Conservation". The Ancaster Official Plan generally designates hydro corridors in the area as "Open Space and Conservation", since it does not recognize utility uses.

The lands adjacent to this "Industrial" designation within the Gurnett Neighbourhood, in the City of Hamilton, are utilized and designated for residential uses. It is not intended that the hydro lands in Ancaster be developed for industrial uses. Accordingly, it would be appropriate for the entire hydro corridor to be designated "Open Space and Conservation" on Schedule "B" of the Ancaster Official Plan. This will:

- be consistent with the designation of hydro corridors elsewhere;
- ensure that no industrial development will occur on the hydro corridor, adjacent to residential uses in Hamilton; and,
- ensure that a buffer be maintained between the Meadowlands Industrial Business Park and residential uses in the Gurnett Neighbourhood.

CONCLUSIONS:

Based on the above analysis, the City of Hamilton should request the Region of Hamilton-Wentworth to incorporate the minor modification outlined in this report into proposed Amendment No. 21 to the Ancaster Official Plan. The proposed Amendment will not conflict with the planning intentions of the City of Hamilton, once this modification is made.

CL-M/ll
Meadow.Rpt

APPENDIX I

AMENDMENT NO. 21

TO THE

OFFICIAL PLAN

FOR THE

TOWN OF ANCASTER

INITIATED BY

THE TOWN OF ANCASTER

PREPARED BY

THE PLANNING AND DEVELOPMENT DEPARTMENT

OF THE REGIONAL MUNICIPALITY OF

HAMILTON-WENTWORTH

AUGUST, 1989

ANCASTER TOWN COUNCIL

1988 - 1991

MAYOR	Mr. R. Wade
REGIONAL COUNCILLOR	Mrs. A. Sloat
COUNCILLORS	Mr. K. Brennen
	Mr. L. Ferguson
	Mr. J. McKeon
	Mr. W. Ziolkowski
	Mr. R. Zsiros

AMENDMENT NO. 21

TO THE

TOWN OF ANCASTER

OFFICIAL PLAN

CONTENTS OF THIS DOCUMENT

PART 1 - THE CERTIFICATION

i) Certification Page
ii) Approval by the Regional Municipality of Hamilton-Wentworth
iii) By-law of Adoption

PART 2 - THE AMENDMENT

i) Purpose
ii) Location
iii) Basis
iv) Actual Change
v) Implementation

PART 3 - THE APPENDIX

i) Excerpt from the report of the 35th Committee of the Whole meeting of Council of December 7, 1987
ii) Technical planning report from the Town's Planning Consultants, the Planning and Development Department, Regional Municipality of Hamilton-Wentworth, dated December 2, 1987, and Town Planner's report "Meadowlands Secondary Plan - Public Participation Program", dated December 3, 1987
iii) Notice of Public Meeting
iv) Minutes of the Public Meeting

PART I - THE CERTIFICATION

AMENDMENT NO. 21
TO THE OFFICIAL PLAN
FOR THE
TOWN OF ANCASTER

Amendment No. 21 to the Official Plan for the Town of Ancaster comprised of the attached text, and schedules, was prepared as directed by the Council of the Town of Ancaster, and adopted by the Council of the Corporation of the Town of Ancaster By-law No. 89-126 in accordance with Sections 17 and 21 of The Planning Act on the 11th day of September , 1989.

MAYOR

CLERK

****

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

This Amendment No. 21 to the Official Plan for the Town of Ancaster, which has been adopted by the Council of the Corporation of the Town of Ancaster, is hereby approved in accordance with Sections 17 and 21 of The Planning Act as Amendment No. 21 to the Official Plan for the Town of Ancaster.

DATE _____

_____
Regional Chairman

THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 89-126

The Council of the Corporation of the Town of Ancaster, in accordance with the provisions of Sections 17 and 21 of The Planning Act, hereby enacts as follows:

1) That Amendment No. 21 to the Official Plan for the Town of Ancaster, consisting of the attached text and schedules, is hereby adopted.

2) That the Clerk is hereby authorized and directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of Amendment No. 21 of the Official Plan for the Town of Ancaster.

3) That this By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this 11th day of September , 1989.

Signed _____ Signed _____

CLERK MAYOR

CORPORATE
SEAL OF
MUNICIPALITY

Certified that the above is a true copy of By-law No. 89- 126 as enacted and passed by the Council of the Town of Ancaster on the 11th day of September, 1989.

Signed _____

CLERK OF THE MUNICIPALITY

PART 2 - THE AMENDMENT

PURPOSE

The purpose of this Amendment is to:

Amend a number of policies in Section 5.6, Mohawk and Golf Links Communities (Allarco Area) and Schedules A, B, E and F of the Official Plan.

LOCATION

The lands affected by this Amendment are located east of Highway No. 403, west of the Town Boundary, south of Mohawk Road and north of Highway No. 53.

BASIS

This Amendment is the result of Council's adoption of a new secondary plan for the area in question.

The Amendment can be supported on the basis that the new secondary plan provides for a further refinement of the previous plan and incorporates changes necessary for the proper development of the area.

ACTUAL CHANGES

1. Subsection 5.6 - "Mohawk and Golf Link Communities (Allarco Area)" is hereby amended by:

    a) Changing the title of the subsection from "Mohawk and Golf Links Communities (Allarco Area)" to "Mohawk and Meadowlands Communities";

    b) Deleting the words "Golf Links" in Policies 5.6.1, 5.6.2i, 5.6.3, 5.6.3iii, 5.6.4, 5.6.5, 5.6.6, 5.6.7, 5.6,8, 5.6.9 and replacing it with "Meadowlands";

c) Amending the tables in Policy 5.6.2 so that they read as follows:

NEIGHBOURHOOD	DENSITY I UNIT/POPULATION	DENSITY II UNIT/POPULATION	TOTAL UNIT/POPULATION
i	350/1,190	------	350/1,190
ii	1,000/3,400	400/1,200	1,400/4,600
iii	780/2,652	-----	780/2,652
iv	970/3,298	375/1,125	1,345/4,423
v	1,025/3,485	750/2,250	1,775/5,735
TOTAL	4,125/l4,025	1,525/4,575	5,650/18,600

LAND USE
APPROPRIATE AREA (HECTARES)

	Business Park	Neighbourhood					Total
		i	ii	iii	iv	v	
RESIDENTIAL							
Density I*	--	44	80	59	50	55	288
Density II	--	--	14	--	7	20	41
Specific Policy Area East of Glancaster Road	--	--	--	--	26	--	26
Specific Policy Area North of Interchange	--	11	--	--	--	--	11

COMMERCIAL								
Community Commercial (Shopping Centre)	16		--	--	--	--	--	16
Neighbourhood Commercial	--		--	2	--	--	--	2
Convenience Commercial	--		--	--	--	--	1	1
Existing Commercial	--		--	--	1	2	--	3
INDUSTRIAL								
Prestige Industrial	42	--	--	--	--	--	--	42
INSTITUTIONAL								
Public School	--		--	2	--	2	2	6
Secondary School	--		--	--	--	6	--	6
Separate School	--		--	--	--	--	2	2
Separate Secondary School	--		--	--	--	--	6	6
Church	--		2	--	--	--	1	3
College	--		--	--	31	--	--	31
Fair Grounds	--		--	--	18	--	--	18

OPEN SPACE AND CONSERVATION							
Community Park	--	130	8	--	--	--	138
Neighbourhood Park	--	3	2	5	1	5	16
Open Space	14	--	1	--	--	5	20
Cemetery	--	--	--	--	38	--	38
UTILITY							
Hydro	27	--	--	--	18	23	68
Pumping Station	--	--	--	--	4	--	4
Fire Hall	--	--	1	--	--	--	1
ROADS							
E-W Transporation Corridor/Interchange	15	--	--	--	--	--	15
Totals	114	190	110	114	154	120	802

* Includes Existing Residential

d) Amending Policy 5.6.2 iii) by inserting, "low rise apartments" after the word "maisonettes", and replacing the words "en bloc" with the work "block" so that the entire sentence reads, "Density II uses may include single-family and semi-detached units, but shall predominantly comprise a variety of multiple-family accommodations, including block and on-street townhouses, maisonettes, low-rise apartments and similar housing forms."

e) Revising Policy 5.6.2 iv) as follows:

"iv) To minimize conflicts, where new residential uses are proposed for development, single-family and semi-detached units shall be encouraged on lots which directly abut existing residential units which existed at the time of the approval of this Plan."

q) Add the following new clause iv) to Policy 5.6.6:

"iv) In order to ensure the maximum utilization of those areas designated "Open Space and Conservation", which are to be used for storm drainage purposes, certain measures such as filling and grading will be utilized where appropriate, to create usable recreational areas such as playing fields, walkway and other similar uses."

r) i) Amending Policy 5.6.7 by deleting the "Right-of-Way Widths" for "Local" roads of "15-20" metres and replacing it with "20" metres, so the table now reads:

TYPE OF ROAD	RIGHT-OF-WAY WIDTH (METRES)	NO. OF LANES	PROPERTY ACCESS
Arterial	26-36	4-6	Partially Restricted
Collector	20-26	4	Partially Restricted
Local	20	2	Unrestricted

ii) Add the following after the table in Policy 5.6.7:

"Further, as a condition of Site Plan approval, Council will require the dedication of additional land for daylighting triangles based on the following:

i) at the intersection of an Arterial with an Arterial, Collector, or Local road 12 metres; and,

ii) at the intersection of a Collector with a Collector or Local road 7 metres.

s) Amending Policy 5.6.9 by deleting it in its entirety and substituting the following:

"It is intended that the development of this area take place in a manner that results in the orderly and economic extension of all municipal works and services. In this regard, it is essential that new development will not proceed in advance of the construction of municipal services."

t) Adding the following as Policy 5.6.15:

"5.6.15 The area identified as Specific Policy Area 3-f on Schedule "F" will be used for future residential purposes, subject to a detailed study, including an environmental impact statement and the preparation of a secondary plan."

u) Adding the following as Policy 5.6.16:

"5.6.16 The area identified as Specific Policy Area 3-g on Schedule "F" - Specific Policy Areas will be used for future residential purposes, subject to the preparation of a detailed secondary plan. Given the proximity of these lands to the proposed East-West Transportation Corridor and its interchange with the realigned Mohawk and Golf Links Roads, residential development must be sensitive to any impacts which may eminate from this facility. Accordingly, Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential developments in this area."

v) Adding the following as Policy 5.6.17:

"5.6.17 Notwithstanding Policy 5.6.5 as they apply to the Ancaster Fairgrounds located on the north side of Highway No. 53 and west of Kitty Murray Lane, shown as Specific Policy Area 3-h on Schedule "F" - Specific Policy Areas, the existing fairgrounds, and related ancillary uses are permitted. In addition, expansion of the existing stockyard operation cannot take place without prior consultation with the Town."

w) Adding the following as Policy 5.6.18:

"5.6.18 The Town may establish new zoning categories for the Meadowlands Community recognizing that the proposed development will differ from the nature of development that has occurred in the established areas of the Town."

x) Adding the following as Policy 5.6.19:

"The area identified as Specific Policy Area 3(i) on Schedule "F" - Specific Policy Areas, will be used for future residential purposes subject to a study to identify mitigating measures between future residential uses and the existing adjacent stockyard uses on the fairgrounds."

y) Adding the following as Policy 5.6.20:

"Notwithstanding the "Open Sapce and Conservation" designation shown on Schedule B- Land Use - Urban Area, for those lands shown as Specific Policy Area 3(j) on Schedule F - Specific Policy Areas, the exact location of the "Open Space and Conservation" designation will be determined when development proceeds in this area."

2. Schedule "A" of the Official Plan (Land Use - Rural Area) will be amended as shown on the attached Schedule "A" of this amendment.

3. Schedule "B" of the Official Plan (Land Use - Urban Area) will be amended as shown on the attached Schedule "B" of this amendment.

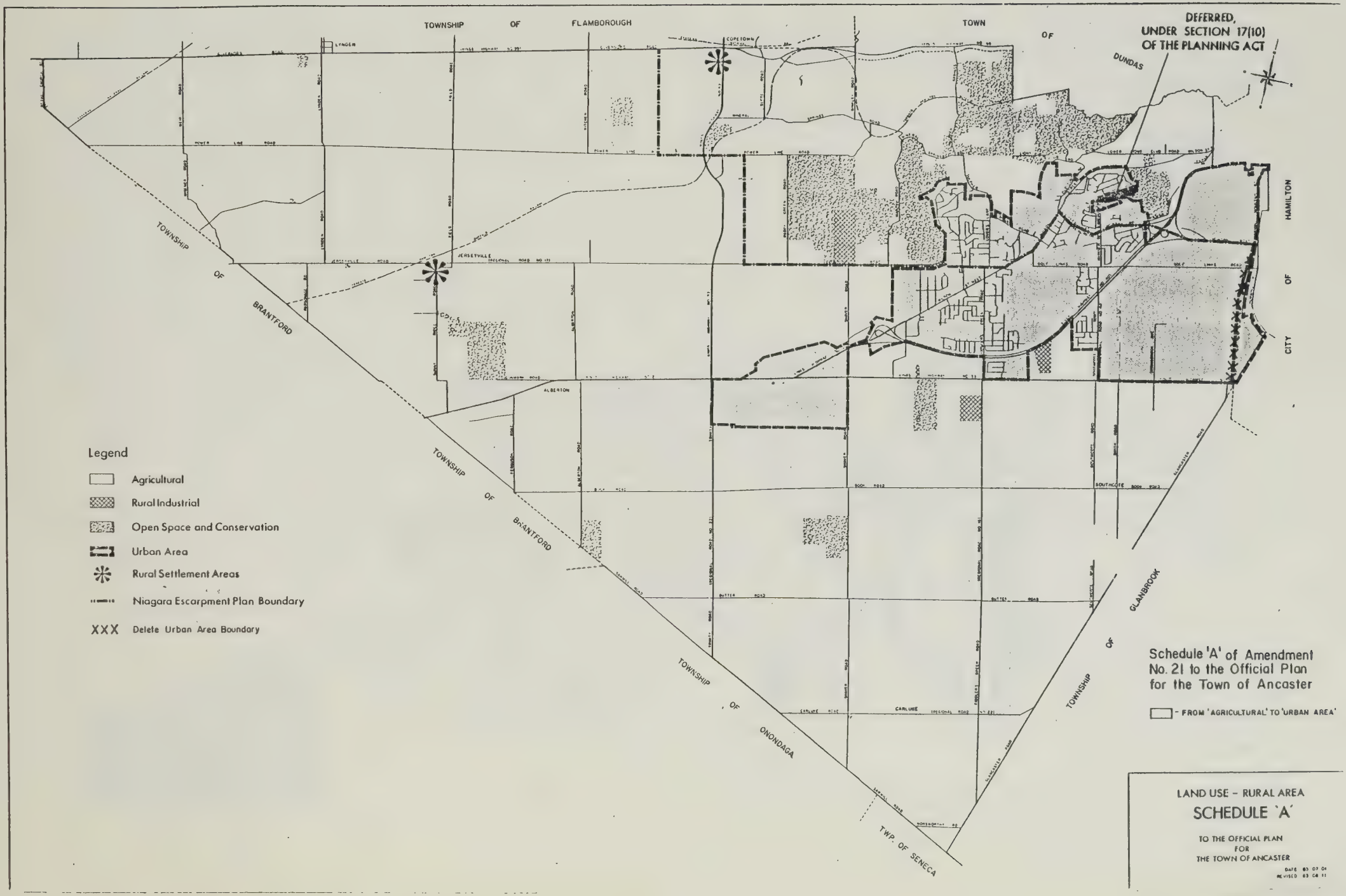
4. Schedule "E" of the Official Plan (Road Network - Major Roads) will be deleted and replaced with a new schedule, as shown on the attached Schedule "E" of this amendment.

5. Schedule "F" of the Official Plan (Specific Policy Areas) will be deleted and replaced with a new schedule, as shown on the attached Schedule "F" of this amendment.

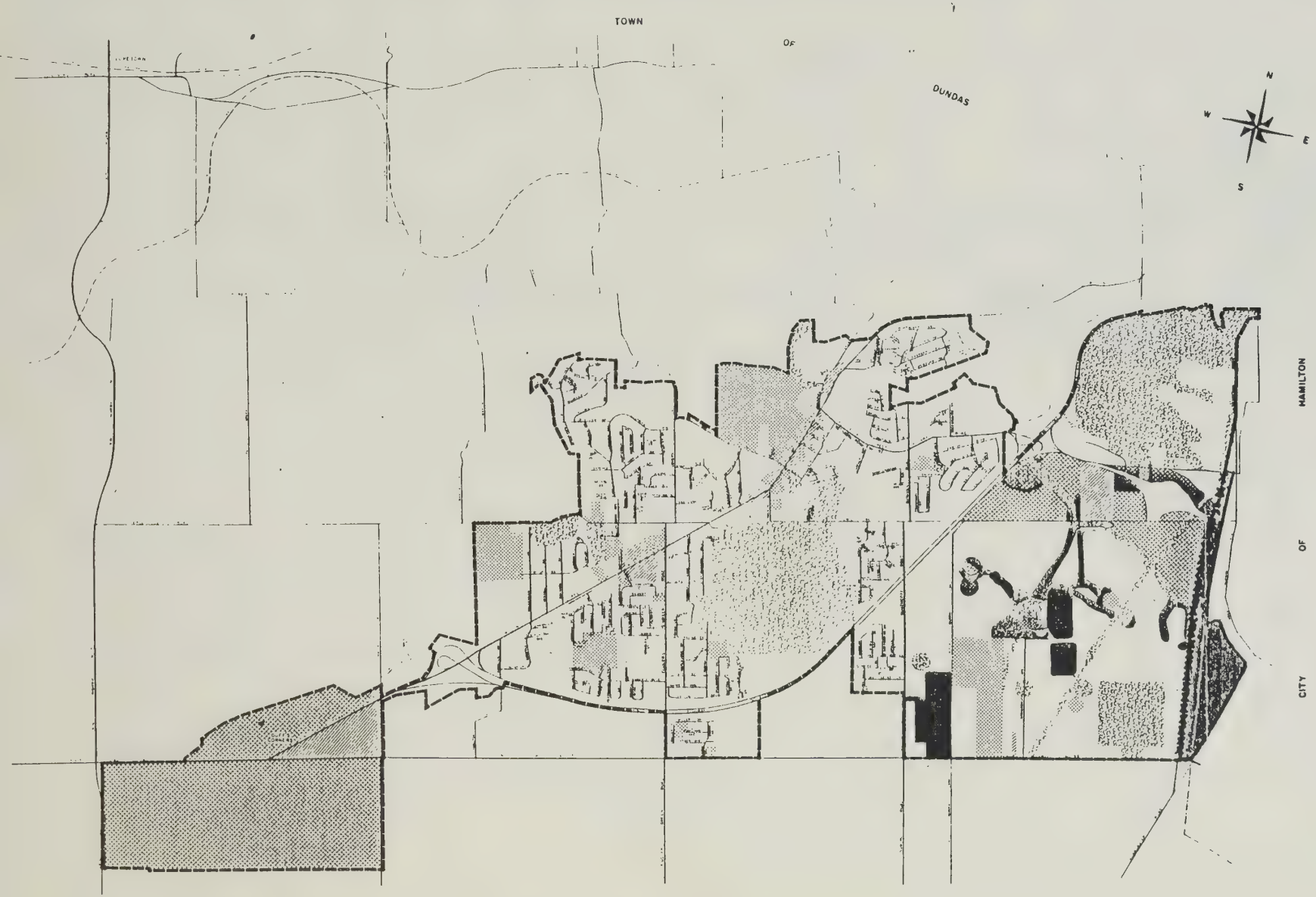
IMPLEMENTATION

This amendment will be implemented in accordance with the provisions of Section Six of the Official Plan (Implementation).

CF/:dkp


TOWNSHIP OF FLAMBOROUGH
TOWN OF DUNDAS
DEFERRED, UNDER SECTION 17(10) OF THE PLANNING ACT
CITY OF HAMILTON
TOWNSHIP OF BRANTFORD
TOWNSHIP OF BRANTFORD
TOWNSHIP OF ONONDAGA
TOWNSHIP OF GLANBROOK
TWP. OF SENECA
LYNDEN
COPETOWN
JERSEYVILLE
ALBERTON
SOUTHCOTE
CARLUKE
Legend
Agricultural
Rural Industrial
Open Space and Conservation
Urban Area
Rural Settlement Areas
Niagara Escarpment Plan Boundary
XXX Delete Urban Area Boundary
Schedule 'A' of Amendment No. 21 to the Official Plan for the Town of Ancaster
- FROM 'AGRICULTURAL' TO 'URBAN AREA'
LAND USE - RURAL AREA
SCHEDULE 'A'
TO THE OFFICIAL PLAN
FOR
THE TOWN OF ANCASTER

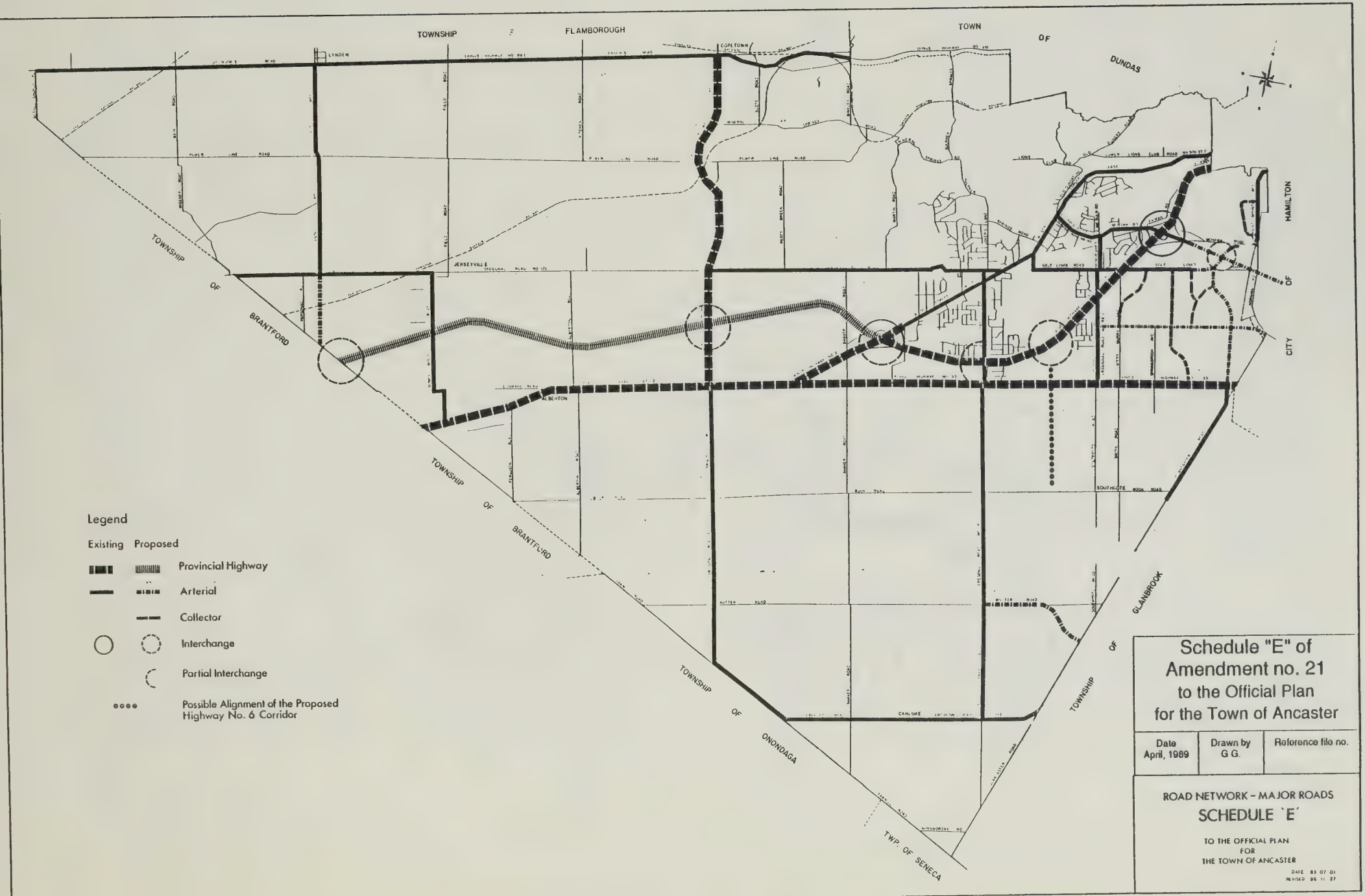
Schedule 'B' of Amendment No 21 to the Official Plan for the Town of Ancaster

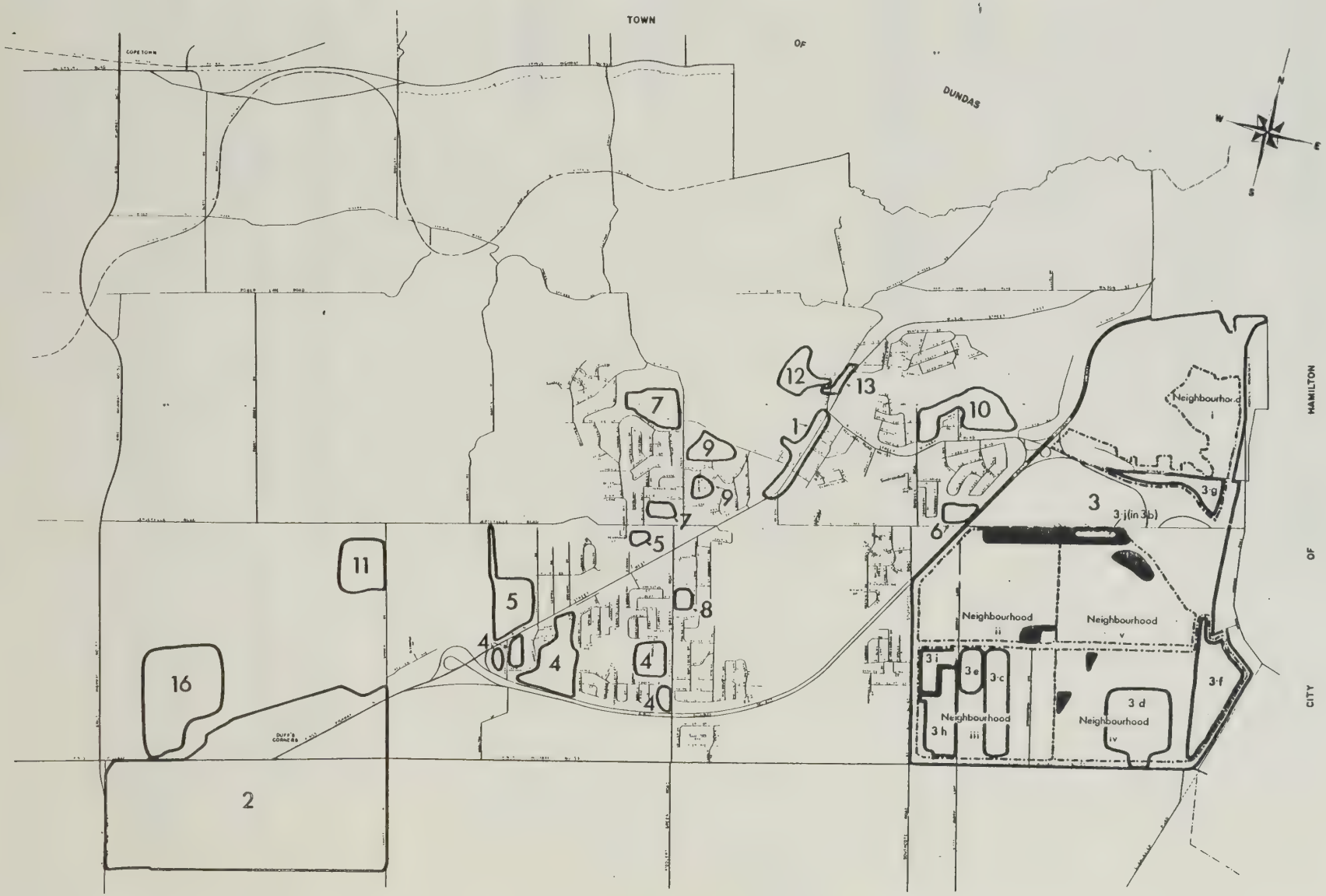


LAND USE - URBAN AREA

SCHEDULE 'B'

TO THE OFFICIAL PLAN
FOR
THE TOWN OF ANCASTER


TOWNSHIP OF FLAMBOROUGH
TOWN OF DUNDAS
TOWNSHIP OF BRANTFORD
TOWNSHIP OF BRANTFORD
TOWNSHIP OF ONONDAGA
TOWNSHIP OF GLANBROOK
TWP. OF SENECA
CITY OF HAMILTON
LYNDEN
COPETOWN
JERSEYVILLE
ALBERTON
SOUTHCOTE
CARLISLE
Legend
Existing
Proposed
Provincial Highway
Arterial
Collector
Interchange
Partial Interchange
Possible Alignment of the Proposed Highway No. 6 Corridor
Schedule "E" of Amendment no. 21 to the Official Plan for the Town of Ancaster
Date April, 1989
Drawn by G.G.
Reference file no.
ROAD NETWORK - MAJOR ROADS
SCHEDULE `E´
TO THE OFFICIAL PLAN FOR THE TOWN OF ANCASTER
DATE 83 07 01
REVISED 86 11 27



Legend

Specific Policy Areas:

- Area 1 - refer to subsection 5.4
- Area 2 - refer to subsection 5.5
- Area 3 - refer to subsection 5.6
  - 3-a refer to Policy 5.6.2
  - 3-b refer to Policy 5.6.2
  - 3-c refer to Policy 5.6.11
  - 3-d refer to Policy 5.6.12
  - 3-e refer to Policy 5.6.14
  - 3-f refer to Policy 5.6.15
  - 3-g refer to Policy 5.6.16
  - 3-h refer to Policy 5.6.17
  - 3-i refer to Policy 5.6.19
  - 3-j refer to Policy 5.6.20
- Area 4 - refer to Policy 5.7
- Area 5 - refer to Policy 5.7
- Area 6 - refer to Policy 5.7
- Area 7 - refer to Policy 5.7
- Area 8 - refer to Policy 5.7
- Area 9 - refer to Policy 5.7
- Area 10 - refer to Policy 5.7
- Area 11 - refer to Policy 5.7
- Area 12 - refer to Policy 5.7
- Area 13 - refer to Policy 5.7
- Area 16 - refer to Policy 5.7
- Policy Area Boundaries
- Neighbourhood Area Boundaries

Schedule "F" of
Amendment no. 21
to the Official Plan
for the Town of Ancaster

Date	Drawn by	Reference file no.
July, 1989	A.P.	

SPECIFIC POLICY AREAS

SCHEDULE 'F'

TO THE OFFICIAL PLAN
FOR
THE TOWN OF ANCASTER

SCALE 1:12 000

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 3, 1989
COMM FILE
DEPT FILE: P5-2-6

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Proposed Plan - Allison Neighbourhood.

RECOMMENDATION

That the Planning and Development Committee authorize a public meeting to discuss the proposed neighbourhood plan and Official Plan Amendment.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- The availability of sewer services enables Allison Neighbourhood to be developed.
- On July 6, 1988, a public meeting was held to discuss a proposed plan for the western portion of Allison Neighbourhood.
- The residents at that meeting requested that a plan be prepared for the entire neighbourhood so that the proposals for the western portion can be related to the eastern portion of the neighbourhood.

- A neighbourhood study for the whole of Allison Neighbourhood was commenced in 1989. Background information was collected on land use, ownership, topography, etc., and a plan was prepared, based on the general guidelines of the Official Plan.

- The Official Plan designates the area for commercial, major institutional, and residential uses. In addition, a portion of the area adjacent to Upper James Street is within Special Policy Area 31, which recognizes "The Upper James Street frontage as a highway-oriented commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but also to the daily needs of adjacent neighbourhoods."

- The Official Plan requires the preparation of a neighbourhood plan and design guidelines.

  The design requirements include:

  - front landscaping strip at the street, front parking areas, shared access points, uniform building setbacks, and rear landscaping strip to buffer adjacent to residential uses.

- The proposed plan would require the following Official Plan Amendment change:

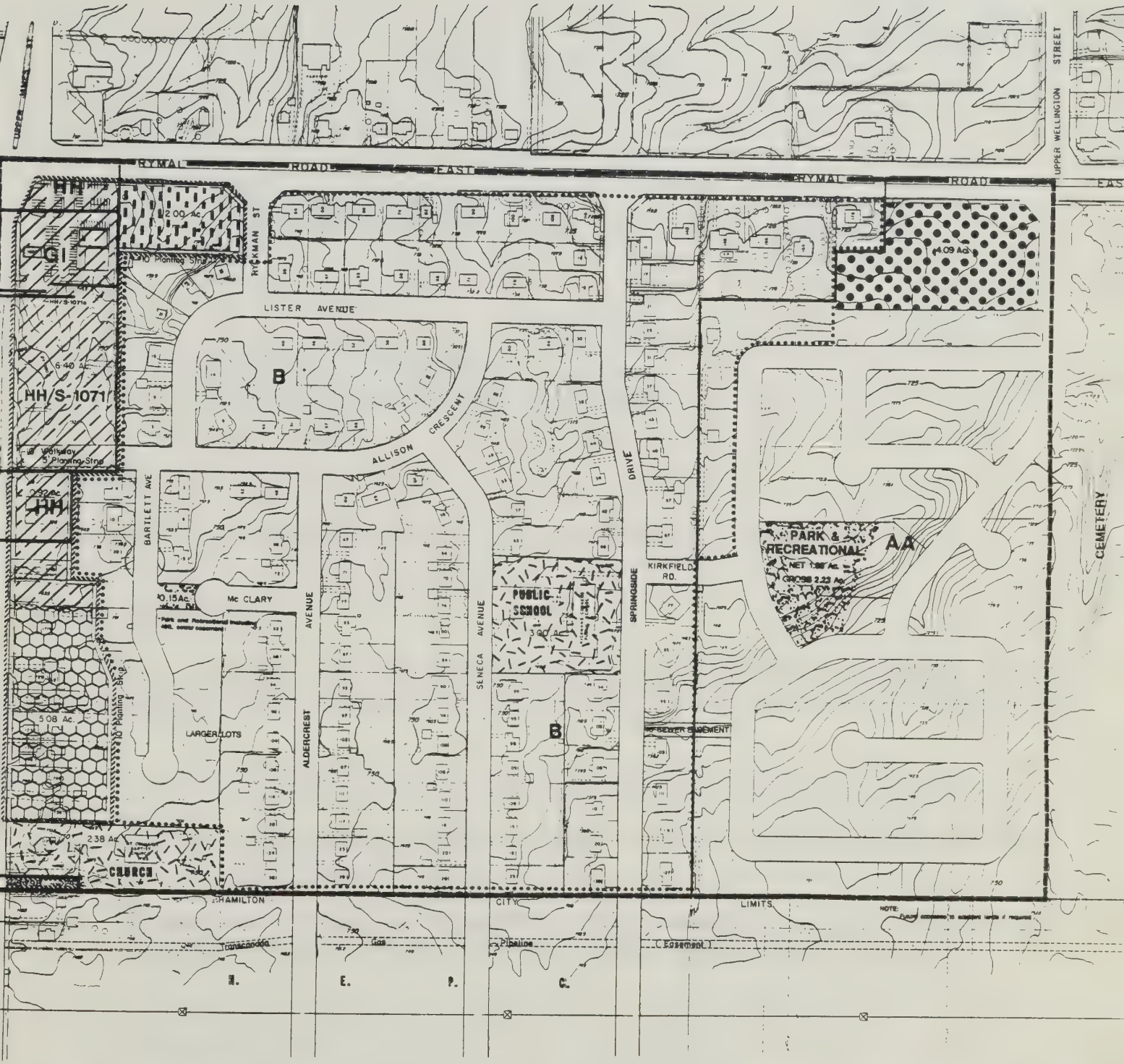
  - from Residential to Open Space for the park area.

The neighbourhood plan will guide the development of the area. Zoning, site plan control, etc., will follow approval of neighbourhood plan policies.

CONCLUSION

A public meeting should be held to obtain input from affected citizens and property owners. Following the review of all submissions, a recommended plan will be forwarded to the Planning and Development Committee for consideration.

GG:CS
Allison



City of Hamilton
Neighbourhood Location

BJECT TO URBAN
GUIDELINES

LARGER LOTS

POPULATION 444

Land Use

Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Neighbourhood Commercial

Non-Residential

- Offices & Service Comm
- Highway Commercial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary

Approvals:
Planning Bd.
Council

Latest Map Amendment AUG 31, 1988

ALLISON

PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 30 1989
COMM FILE:
DEPT FILE: DA-89-72
Ainsliewood
Neighbourhood
(DA-88-60)

FROM: J. D. THOMS, COMMISSIONER,
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-89-72 for a public storage warehouse at 66 Ewen Road.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-89-72 by 627791 Ontario Inc., c/o Aries Construction, owners of lands known as 66 Ewen Road for a public storage warehouse subject to the following:

(i) modification to the plans in relation to notes and dimension as marked in red on the plans.

(ii) approval by the Committee of Adjustment to permit a reduced lot width of 20.117m minimum instead of the required 30.0 minimum.

(iii) submission of a landscape plan as red-lined or alternate submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

Plans have been submitted for a public storage warehouse at 66 Ewen Road. The two (2) storey building will have a gross floor area of 751.32 M^2 with seven (7) parking spaces and one (1) loading space provided on the lot. The exterior of the building will be constructed of architectural concrete block, prefinished metal siding and fascia. A landscape treatment has been proposed along Ewen Road and within the rear yard.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has reviewed the grading plan and has found it to be satisfactory. However, the grade of the access within the road allowance is not to exceed 30% and the wood privacy fence should be recessed 3.0m from the widened street line. Any objects or vegetation within the 5m x 5m daylight vision triangle are not to exceed a mature height of 0.8m above the perpendicular centre-line elevation of Ewen Road. The above-mentioned should be revised as red-lined on the plan.

The Building Department has reviewed the plan submitted and has forwarded the following comments:

(1) The proposed southerly side yard should be increased to at least 2.1m rather than 2.01m. The required side yard is 13/100th of an inch and no block layer could stay within this tolerance and the applicant would have to go back to the Committee of Adjustment.

(2) A lot width of 30.m is required, shown is 20.065m.

(3) The rear steps and landing cannot project into the required 7.5 landscape area.

(4) The 1 car and 1 loading space add up to 6.5m in width. The plan scales 6.2m at the corner of the building where they come together.

(5) No dumpster or detached storage container can be placed on the concrete pad on the north side as these are considered accessory structures and are permitted only in the rear yard. In this situation it cannot go into the landscape rear yard. A note to this affect should be placed on the plans.

The plan should be revised as red-lined and the applicant should file an application with the Committee of Adjustment for a reduced lot width.

The Traffic Department has reviewed the plan submitted and has found it to be satisfactory.

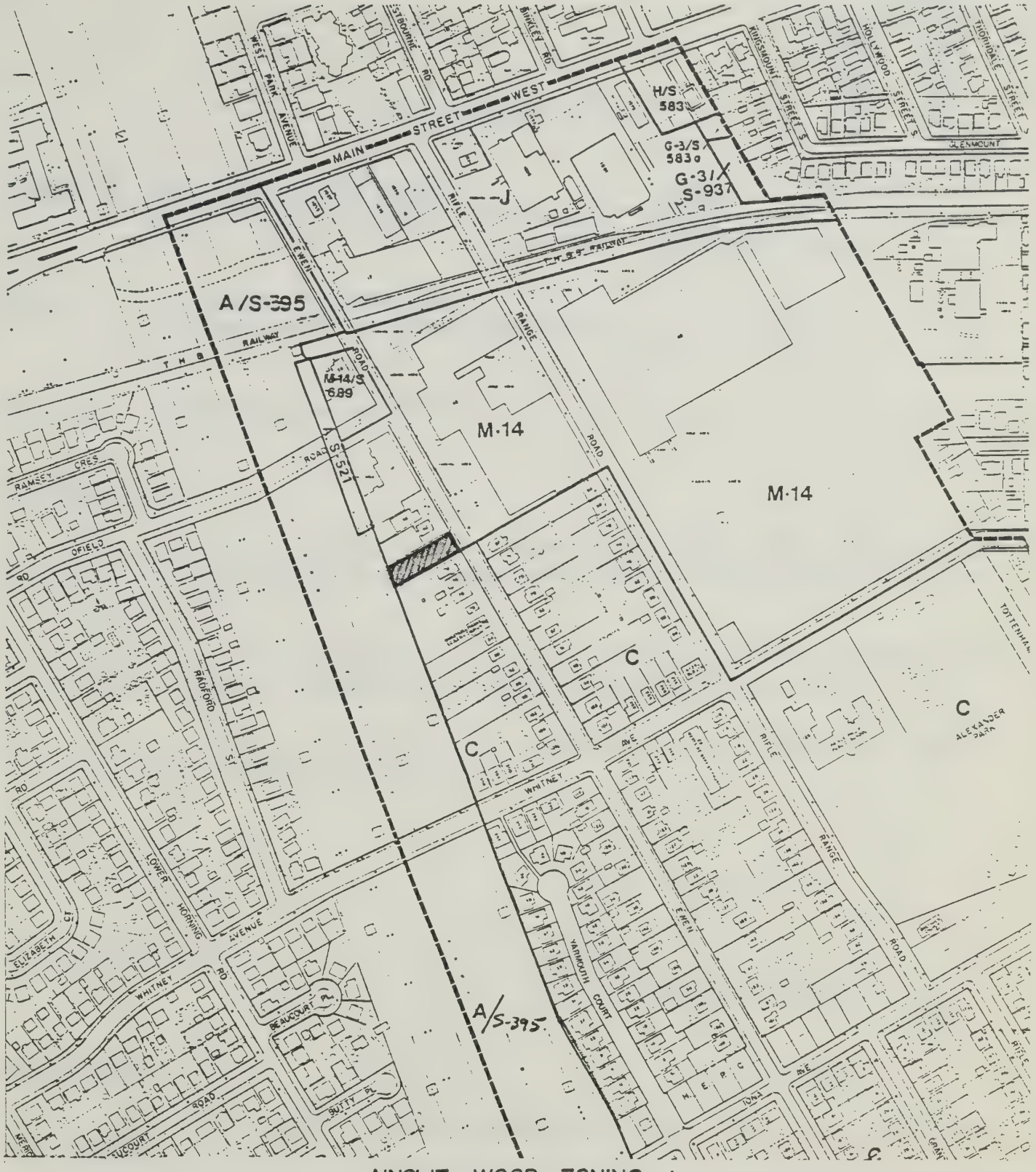
COMMENTS:

Various modifications are required to the plan in relation to notes and dimension and have been marked in red on the plan.

The landscape treatment would be enhanced by the introduction of a few deciduous trees, as shown in red on the plan. The landscape plan should be revised as redlined on the plan or alternately a revised landscape plan should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

Furthermore, the present parcel of land was created in 1964 while the lands were zoned "J" (Industrial) District and did not require a minimum lot width. Subsequently, the area was rezoned under a City Initiative from "J" (Industrial) to "M-14" (Prestige Industrial) District which requires a minimum lot width of 30.0m. The variance to reduce the lot width from 30.0m to 20.117m can be supported since it is an existing situation. The applicant should file an application with the Committee of Adjustment.

JL/ll/ma
DA8972



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-89-72

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-89-72
	Date	Drawing No.
	July, 1989	

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Nov. 8, 1989
COMM FILE:
DEPT FILE: P5-2-69

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Residential Enclave Acquisition

RECOMMENDATION:

That the enclaves acquisition program for Alpha East (east of Sherman), Leeds, Biggar and Stapleton be put on hold. That the remaining properties in Alpha West (west of Sherman) be acquired under the current acquisition program.

That the costs of acquisition and sale price of industrial land be monitored and a re-evaluation of the program carried out next year in conjunction with the Business Land Use Advisory Board.

That a budget proposal not be forwarded to the Co-ordinating Committee for consideration for inclusion in the 1990-1994 City of Hamilton capital budget.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning.

J. D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department.

BACKGROUND:

- A budget for the residential enclaves was established for 1987 - 1990 for a total of $3M as follows:

  - $ 1,350,000 from the City
  - $ 750,000 from the Region
  - $ 900,000 from Industrial Sales

- The clearance program included acquisition of:

  - 55 properties in Alpha

- 18 properties in Biggar
- 10 properties in Stapleton

107 properties in total

- In 1989 $1M was added to the budget for both 1991 and 1992 to reflect the increased cost of acquiring property.

- 16 properties are being expropriated to complete acquisition in Alpha West at an estimated cost of $1,600,000. Approximately $1,600,000 remains from previous budget allocations.

- 68 properties remain to be purchased in Alpha East, Leeds, Biggar and Stapleton.

- Sale of land in Alpha West is expected to yield about $850,000 for approximately 2.5 acres of land.

- In 1986, it was estimated that properties on average cost $28,000 to acquire. In 1988, it was estimated that properties on average cost $47,000 to acquire. In 1989, it is estimated that properties on average will cost up to $100,000 including costs and entitlements to acquire.

- The following table shows estimated costs and returns of completing acquisition in Alpha East, Leeds, Biggar and Stapleton:

	Acres	Acquisition ($M)	Sale of Land ($)
Alpha East	0.9	1.6	$ 315,000
Leeds	1.7	2.4	$ 595,000
Biggar	1.0	1.8	$ 350,000
Stapleton	0.6	1.0	$ 210,000
	4.2	**6.8**	**$ 1,470,000**

Expenditure (acquisition)	$ 6,800,000
Receipts (sale of land)	$ 1,470,000
Net Loss	**$ 5,330,000**

- The Region are currently reviewing their role in the residential enclaves program as part of an industrial development program.

- The Business Land Use Advisory Board considered the issue at their meeting on November 8, 1989 and recommended the re-evaluation be done in conjunction with their deliberations.

ANALYSIS:

- The City is committed to proceeding with the 16 properties in Alpha West that are under expropriation. These are expected to cost $1.6M over the next two years.

- The advantages of proceeding with acquisition of Alpha East, Leeds, Biggar, Stapleton are:

  (1) 4.2 acres of industrial land would be made available;

  (2) Increased assessment is likely to be generated;

  (3) More jobs would be created;

  (4) Isolated pockets of outworn housing would be cleared;

  (5) Housing in poor environmental conditions would be removed.

- The advantages of not proceeding would be:

  (1) 68 affordable houses would remain;

  (2) Residents would not need to relocate.

  (3) The net cost of an estimated $ 5,330,000 would be avoided.

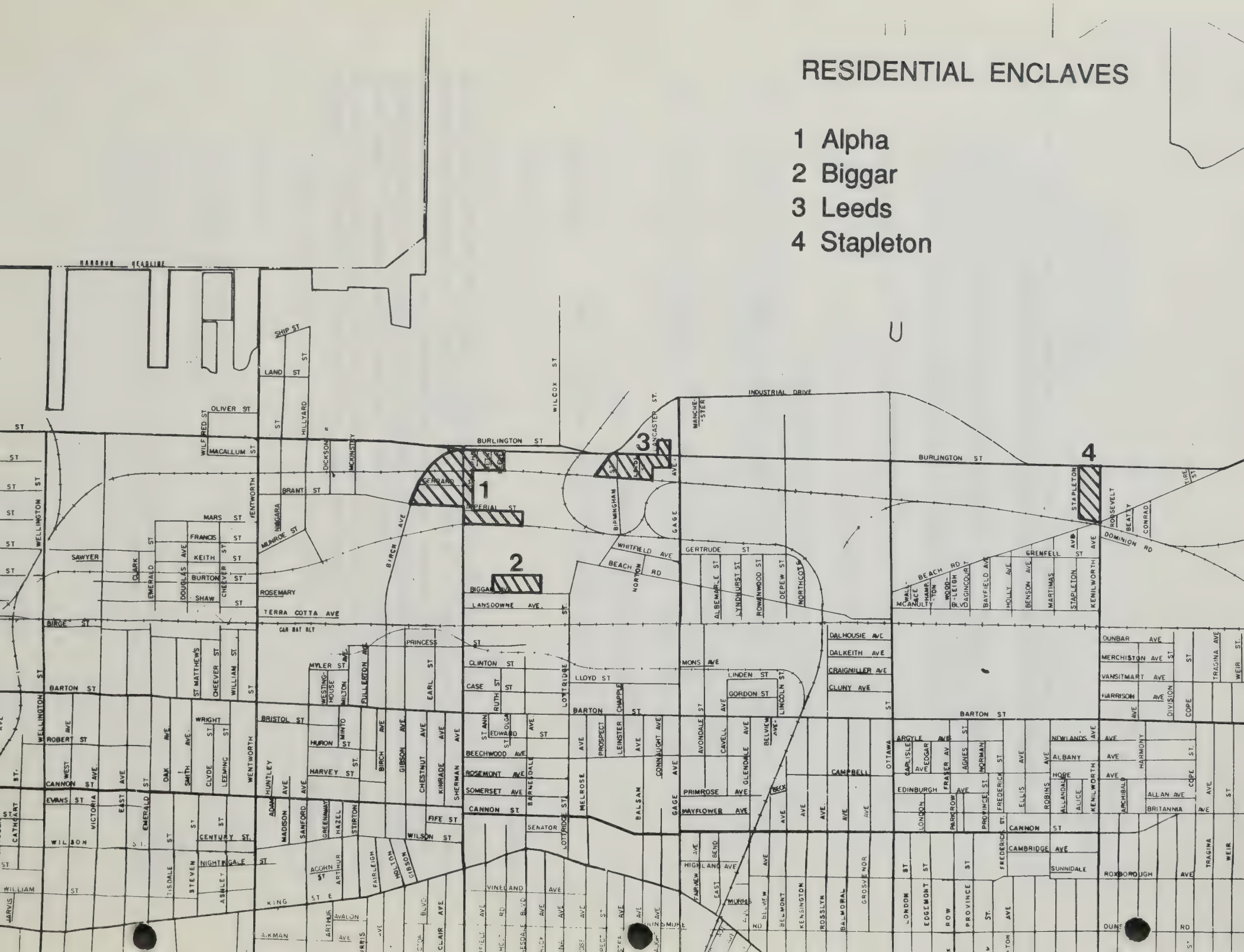
CONCLUSION:

Increased cost of removing housing in the residential enclaves raises questions about the validity of continuing the acquisition program. It is felt that the program should not proceed beyond current commitments until the differential between expenditure on acquisition and receipts from the sale of industrial land is reduced. The situation should be monitored and the program re-evaluated next year in conjunction with the Business Land Use Advisory Board. The budget money previously allocated should be enough to offset the cost of acquiring the last 16 properties in Alpha West over the next 2-years. If the cost of acquisition exceeds the budget over the next 2-years, there would be need to allocate additional funds in future.

DG/ll
Attach.
Neigh.Gen

RESIDENTIAL ENCLAVES

1 Alpha
2 Biggar
3 Leeds
4 Stapleton



FOR ACTION

18.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 November 8

COMM FILE:
DEPT FILE:

SUBJECT: ***LEASE AGREEMENT FOR PIGOTT LOBBY STAINED GLASS WINDOWS***

RECOMMENDATION:

a) That the City enter into a lease agreement with the owners of the Pigott Building respecting the reinstallation of the stained glass lobby windows in their original location with suitable protection against damage; and

b) That the City Solicitor be directed to prepare this lease agreement.

C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

On 1988 July 28, the City purchased the six original stained glass windows of the Pigott Lobby from a private dealer. These windows are presently stored for safe keeping in the City's storage building.

The windows were custom-made for the Pigott Building in 1928 and have been appraised at $16,000.00. The removal of these windows from the designated Pigott Building occurred during the first proposed conversion of the building to hotel use. When the project went bankrupt, the windows disappeared. Upon rediscovering them in private ownership, the City purchased them for $12,000.

The new owner of the Pigott Building, Reemark Heritage Gardens Ltd., has advised LACAC of his intent to purchase these windows once the restoration of the lobby is completed.

cc Mrs. N. Chapple, Planning Department
Mr. P. Hooker, Acting City Solicitor

FOR ACTION

19.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 November 7

COMM FILE:
DEPT FILE:

SUBJECT: ***DESIGNATION OF MAIN POST OFFICE BUILDING, 10 JOHN STREET SOUTH***

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" the Main Post Office Building located at 10 John Street South as a property of historical and/or architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983; and

b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1988 September 20 gave preliminary approval to the "Intent to Designate" the Main Post Office Building at 10 John Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

It was felt at this time that the designation recommendation should be tabled until Canada Post Corporation had definite plans for the sale of this building.

Currently the Ministry of Government Services (M.G.S.) has put out for tender, a request for proposals which stipulates that M.G.S. would rent 3,900 square metres for the Criminal Courts and the balance of 14,000 metres would be used by the developer.

As part of the request for proposals, the Ministry of Government Services has specified that the building is to be designated under the Ontario Heritage Act and that certain interior features were important to preserve, such as the entrance and elevator lobby.

In light of the proposed sale of the Post Office Building to a private developer on 1990 January 31, LACAC recommends the Post Office for designation at this time in order to have the building under Ontario Heritage Act regulations at the time of the sale.

Map, planning information and Reasons for Designation are attached.

Attached

c.c. Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Department

REASONS FOR DESIGNATION

Dominion Public Building
10 John Street South
Hamilton, Ontario

Context

The Dominion Public Building was erected in 1935-6 on John Street South between King and Main Streets to serve as Hamilton's main Post Office and federal office building. Located on a major site in the downtown core, the front facade of this monumental six-storey edifice faces John Street; its south facade is an integral part of the Gore Park streetscape and its north facade faces the Courthouse grounds. As such, 10 John Street is recognized as an important city landmark.

Historical Significance

Erected on the site of the earlier 1886 Post Office, the new Dominion Public Building was built to accommodate not only the post office but also customs and excise, national health, immigration and various other federal departments, all consolidated for the first time in Hamilton under one roof.

The John Street Building belongs to the group of large office blocks built by the Federal Government across the country during the 1920's and '30's; the Hamilton structure was erected as part of a Depression works program introduced by the government in 1934 under the Public Works Construction Act.

While many of the other federal offices have since moved out, the main Post Office has been located in this building for over fifty years.

Architectural Significance

Hamilton's Dominion Public Building has been ranked as one of the three best examples of the large federal public buildings which were erected across Canada between 1934 and 1939.

In accordance with the government's current policy, a local architect rather than the Public Works Architect was commissioned to design the building. The Hamilton firm of Hutton and Souter, well known for other major works such as the Cathedral of Christ the King, provided the plans.

In terms of architectural style, Hutton and Souter's design can be described as "modern classical", used also in the five other federal buildings erected at this time. Classical inspiration is visible in the use of pilasters, engaged columns, symmetry, the rectangular block form, amd the general horizontal divisions of base, shaft, and cornice.

These traditional elements, however, are given contemporary expression, typified in the use of smooth, crisp planes; bold, simple masses; and contrasting linear-patterned ornamentaion which accentuates the main architectural features of the building.

This richness of decorative detailing is found throughout the building; on the exterior in the stone ornamentation at the cornice and belt-course, the crowning narrative relief of the frontispiece, in the coat-of-arms over the front door, as well as in the bronzework of the window and door panels; and in the interior in the use of marble wainscotting and flooring, as well as bronze grillwork, mosaics and painted ceiling.

The Hamilton building is considered to have the finest interior of any federal public building erected from the mid-to-late 1930's. The main entrance, postal and elevator lobby areas and the main stairwell demonstrate the extensive use of costly materials and quality craftsmanship.

Designated Features

Important to the preservation of the Dominion Public Building are the original features of the east (main), north, and south facades, including the masonrywork, windows, doorways and all ornamental decoration; and the interior spaces of the entrance, postal and elevator lobby areas and main stairwell, including all original decorative elements such as the marble cladding and flooring, bronze decorative work on doors and windows, painted ceiling, light fixtures, and mosaic.


DOMINION PUBLIC BUILDING

F O R I N F O R M A T I O N

Present Status of the Ownership of the Dominion Public Building, 10 John Street South, Hamilton.

As of November 9, 1989, the owner of 10 John Street is Canada Post.

The Ministry of Government Services has an Option to Purchase the property through a developer. Deadline: January 15, 1989.

MGS is currently circulating a Request for Proposals to developers for incorporating the Provincial Criminal Courts facility. Deadline: November 17, 1989.

MGS is aware that the City intends to designate 10 John Street South under the Ontario Heritage Act and has made the following references in the Request for Proposals:

Volume One:

3.3 HERITAGE BUILDING COMPONENTS

As described in the Facility Programme report, the Dominion Public Building is slated to become a designated structure and its history and significant features must therefore be respected and preserved by the successful proponent. Most notable are the entrance vestibule, the postal hall, the elavator lobbies, and the main staircase. While it is expected that these features will be retained in their entirety, there are other details and features which are also worthy of preservation. Proponents must be sensitive to the character of the Building and work to preserve it in their proposals.

Volume Two:

4.3 HERITAGE FEATURES

The "Reasons for Designation" contained in Section #3.1 identifies the significant features of the building. Most notable are the entrance vestibule, Postal Hall, elevator lobbies and main staircase. While these features must be retained in their entirety, there are other details and features are also worthy of preservation. Proposed solutions must therefore be sensitive to the character of the building and work to preserve it.

LACAC has recommended designation at this time to ensure that the building is designated before the building is sold by Canada Post to a private developer.

PLANNING BACKGROUND

1) Neighbourhood Map - Beasley



2) Current Zoning - "I" - Central Business District

3) Site Description - The Structure occupies the west side of the John Street block between King and Main. Its south facade dominates the Main Street side of the block and its north facade faces Gore Park. The Post Office is considered a downtown Landmark Building.

4) Planning Policies -

a) Neighbourhood Plan - The Approved Neighbourhood Plan designates area as "Commercial". The Central Area Plan Update designates area as "Downtown Core". In addition to retail and office commercial uses, the Downtown Core designation permits institutional and social services type uses. The Plan also includes specific policies relevant to the preservation of historic buildings which "contribute to the significance of the Central Area".

b) Official Plan - Designated "Central Policy Area" on Schedule "A" - Land Use Concept of the Official Plan. A wide range of uses are permitted where compatibility among adjacent uses can be achieved. Primary uses permitted include; i) Commercial Uses; ii) Residential Uses; iii) Light Industrial; iv) Open Space Uses and v) Major Institutional Uses.

The rehabilitation and preservation of buildings of historic and/or architectural merit are encouraged within the "Central Policy Area". Policy A.2.8.9.

5) Current Status - September 26, 1988

		Yes	No	
a)	Heritage Designation		X	
b)	Listed Building	X		* Landmark List
c)	Site Plan Control		X	
d)	Demolition Control		X	
e)	Zoning Change		X	

N.C.:nd
W.P. DOC. 0342P

FOR ACTION

20.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 November 10

COMM FILE:
DEPT FILE:

SUBJECT: ***65 MARKLAND STREET - DELAY OF DEMOLITION***

RECOMMENDATION:

a) That City Council, in accordance with the provisions of S34(2) (b) of the Ontario Heritage Act, 1983, refuse the application, hence prohibiting any work of demolishing or removing any building or structure on the property known as 65 Markland Street, for a period of 180 days; and

b) That no demolition permit be issued for 65 Markland Street until such time as the owner obtains a building permit. The Demolition Permit could then be issued in accordance with S33(6) of the Planning Act.

Note: Under no circumstances could any demolition permit be issued prior to the expiration of the above-noted 180 day period.

C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

Attached for the information of the Committee is a copy of S34 of the Ontario Heritage Act, 1983 stating that Council shall consider an application for demolition and within ninety days of receipt shall refuse the application and prohibit any work to demolish or remove any building or structure for a period of 180 days. This provision allows for the investigation of alternative solutions to demolition.

The Local Architectural Conservation Advisory Committee forwarded a recommendation that the provisions of the Demolition Control By-law be applied to 65 Markland Street, but the Planning and Development Committee at its meeting held 1989 August 16 agreed to table the matter in light of Mr. Manfred Rudolph's request on behalf of his client, Mr. J. Budge, that designation be proceeded with but that the Demolition Control recommendation be tabled.

65 Markland Street was designated by City Council at its meeting held 1989 August 29 under the provisions of the Ontario Heritage Act, 1983. Mr. Jim Budge, owner, has since applied for a demolition permit for this designated property.

c.c. Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Dept.
Mr. L. King, Building Commissioner

owner may, within thirty days after receipt of the notice under subsection (4), apply to the council for a hearing before the Review Board.

Referral to Review Board

(7) The council shall, upon receipt of a notice under subsection (6), refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place for hearing

(9) A hearing under subsection (8) shall be held at such place in the municipality as the Review Board may determine.

Application of R.S.O. 1980, c. 484

(10) Sections 6 to 16 and 21 to 23 of the *Statutory Powers Procedure Act* apply to a hearing under subsection (8).

Report

(11) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(12) Where the Review Board fails to make a report within the time limited by subsection (11), the failure does not invalidate the procedure.

Decision of council

(13) After considering the report under subsection (11), the council without a further hearing shall confirm or revise its decision under subsection (4) with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final. 1974, c. 122, s. 33.

Application for demolition

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

Decision of council

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection (1) and within ninety days of receipt thereof shall,

(*a*) consent to the application; or

(*b*) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision.

(*c*) to be given to the owner and to the Foundation; and

(*d*) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

Extension of time

(3) The applicant and the council may agree to extend the time under subsection (2) and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

When demolition may proceed

(4) Notwithstanding subsection (1), where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause (2) (*b*) has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection (3) has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

By-law designating property to be repealed

(5) Where,

(*a*) the council consents to an application under clause (2) (*a*), or is deemed to have consented to an application under subsection (3); or

(*b*) the period of 180 days under clause (2) (*b*) has expired or where the extension of time agreed upon by the owner and the council under subsection (3) has

expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(*c*) a copy of the repealing by-law to be served on the owner and on the Foundation;

(*d*) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;

(*e*) reference to the property to be deleted from the Register referred to in subsection 27 (1); and

(*f*) a copy of the repealing by-law to be registered against the property affected in the proper land registry office. 1974, c. 122, s. 34.

New owner to give notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property. 1974, c. 122, s. 35.

Purchase or lease by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expropriating by-law R.S.O. 1980, c. 148

(2) Subject to the *Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. 1974, c. 122, s. 36.

21.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 7, 1989
COMM FILE
DEPT FILE: ZA-89-82
Crerar
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands at the rear of No. 1258 Upper Wentworth Street.

RECOMMENDATION

That approval be given to Zoning Application 89-82, Vittorio, Guissepina, Italo and Anna DiPietro, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at the rear of No. 1258 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 1258 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicant's intention to sever three lots for single-family detached lots at the rear of the subject property.

- Land Severance Applications H-117-89, H-118-89 and H-119-89

  The applicant has applied to the Land Division Committee for severance of the three lots which are the subject of this rezoning application (H-117-89, H-118-89 and H-119-89).

  At its meeting held on July 4, 1989, the Land Division Committee approved the applications for severance of the three lots on the condition that the applicant:

  "1. Satisfy all requirements of the City of Hamilton.

  2. Submit proof of final approval of the necessary change of zoning.

  3. Dedicate a 5 m radius daylight widening to the City to the satisfaction of the Regional Engineer.

  4. Lift the one-foot reserve shown as Part 2, 62R-9668 to the satisfaction of the Regional Engineering Department."

APPLICANTS

Vittorio, Guissepina, Italo and Anna DiPietro, owners.

LOT SIZE AND AREA

The property is rectangular in shape having:

- 40.26 m (132.05 feet) of frontage on Aquila Place;
- 30.5 m (100.06 feet) of lot depth; and,
- 1,227.9 m^2 (13,217.44 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family residences	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south	vacant	"AA" (Agricultural) District
to the west	single-family residences	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	single-family residence	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Crerar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority, the Hamilton-Wentworth Regional Police Department, and the Local Architectural Conservation Advisory Committee staff have no comment or objection.

- The Traffic Department has advised that the application is "satisfactory".

- The Building Department has "no comment".

- The Hamilton-Wentworth Engineering Department has advised that:

  "Please be advised that watermains as well as separate storm and sanitary sewers are available for this development.

  The subject lands were previously severed by Applications H-117-89, H-118-89 and H-119-89. In our comments to the Land Division Committee, we recommended that lands required for the extension of Crerar Drive be dedicated to the City of Hamilton. Crerar Drive, south of Aquila Place bends to the west at a point south of Crerar Drive and a portion of lands shown as Part 2 Part 3 were to be dedicated to the City of Hamilton.

  Having reviewed the decision of the Land Division Committee, it would appear that the dedication of these lands was not a condition of approval. Since this division of Crerar Drive is provided for on the approved neighbourhood plan, and since these lands form part of the radius of the roadway, the applicant should be warned that he will be required to convey these lands in the future and also pay for services on the future Crerar Drive."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Crerar Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Crerar Neighbourhood Plan;

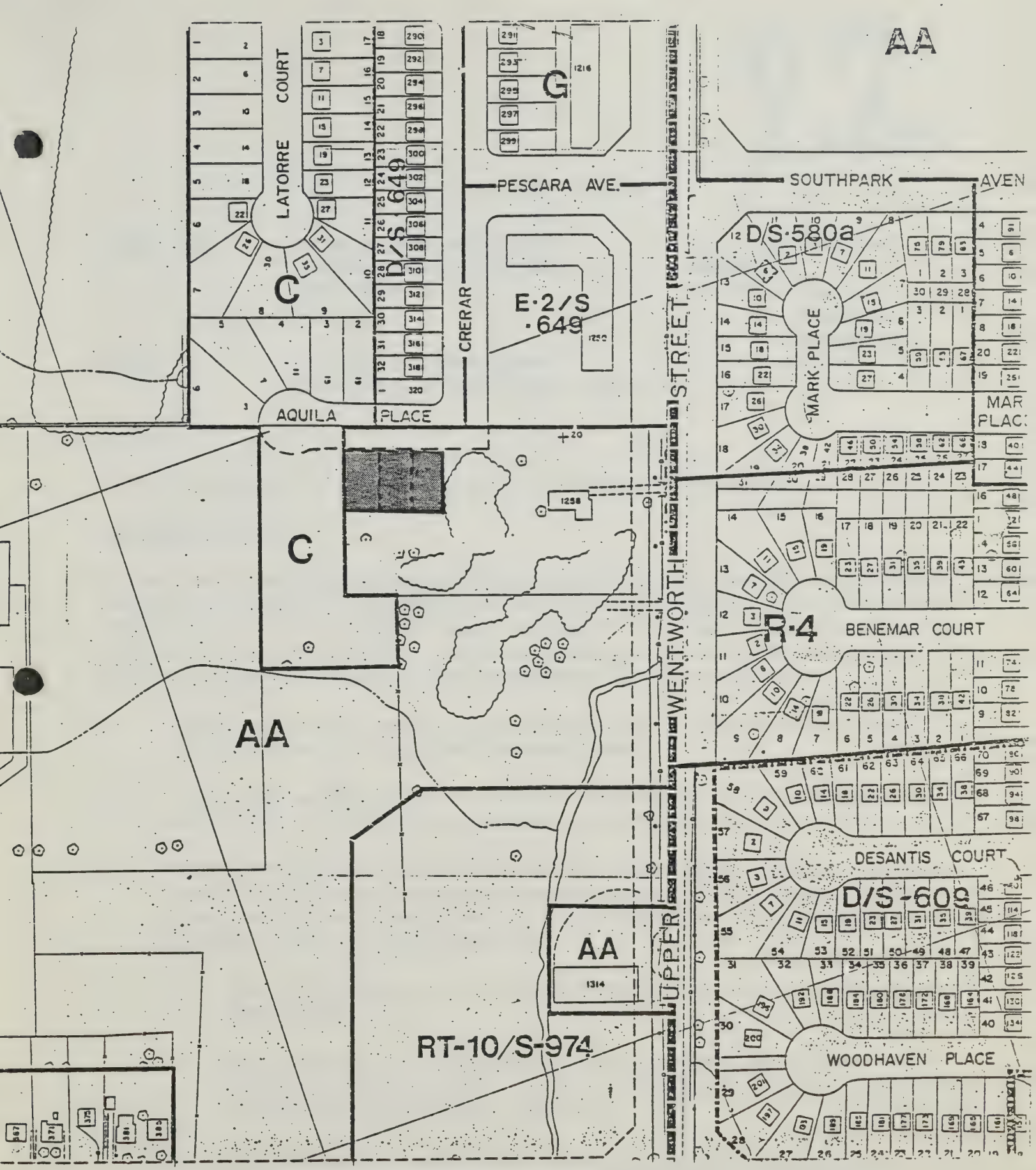
   ii) it would be compatible with existing and future development contemplated in this area; and,

   iii) the requested change in zoning is appropriate for the proposed development.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ns/ma
ZA8982



Legend

Site of the Application

ZA-89-82

APPENDIX A

22.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 6, 1989
COMM FILE
DEPT FILE: ZA-89-68
Ryckmans
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at No. 1399 Upper James Street.

RECOMMENDATION

That approval be given to Zoning Application 89-68, John Paisley In Trust, prospective owner, requesting changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "HH" (Restricted Community Shopping and Commercial) District, to permit retail Commercial uses (e.g. hotel, restaurant, retail stores) for property located at No. 1399 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

ii) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

iii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-Law No. 6593, applicable to property located at No. 1399 Upper James Street, as shown on the attached map marked as APPENDIX "A", be modified to include the following variances as special requirements:

1. That notwithstanding Section 14A(3)(a) a minimum front yard of 24.0 m shall be provided and maintained;

2. That a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the easterly rear lot line and northerly side lot line;

3. That a minimum 3.0 m wide landscaped area, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

iv) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S , and that the subject lands on Zoning District map E-9C be notated S- ;

v) That the City Solicitor be directed to prepare a By-Law to amend Zoning by-Law No. 6593 and Zoning District Map E-9C for presentation to City Council; and

vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-Law is to provide for changes in zoning for property located at No. 1399 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1"- Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

Block "2"- Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-Law is to permit future development of the property for retail commercial use (e.g. hotel, restaurant, retail stores).

In addition, the By-Law provides for the following modifications as special requirements:

(a) a minimum front yard setback of 24.0 m;

(b) a minimum 3.0 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly rear lot line and the northerly side lot line;

(c) a minimum 3.0 m wide landscaped area, excluding any vehicular access, to be provided and maintained adjacent to the Upper James Street road allowance.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  The purpose of the proposed changes in zoning is to permit development of the subject property for future retail commercial uses such as a hotel, restaurant, retail stores, etc.

- Previous Zoning Applications

  The Planning and Development Committee and City Council have previously approved similar applications for properties along the east side of Upper James Street (ZA-86-81, ZA-87-84, ZA-88-40, ZA-88-69 and ZA-88-87) within the Ryckman's Neighbourhood, and for two applications along the west side of Upper James Street (ZA-83-22 and ZA-87-48) within the Mewburn (East) Neighbourhood, to permit commercial and/or commercial and retail warehouse developments. All these sites are subject to the provisions of the Upper James Street Corridor Urban Design Guidelines.

APPLICANT

John Paisley In Trust, prospective owner.

LOT SIZE AND AREA

The subject property is a rectangular shaped piece of property having:

- 30.48 m (100.0 feet) of lot frontage on Upper James Street;
- 177.08 m (571.0 feet) of lot depth; and,
- 5,382.14 m^2 (57,934.8 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north	Barton Community Centre	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"HH" (Restricted Community Shopping and Commercial) District
to the east	park	"AA" (Agricultural) District
to the west	vacant	"HH" (Restricted Community Shopping and Commercial) District (Recently rezoned)

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan. In addition, the lands are included in "SPECIAL POLICY AREA 31" and "31b" which provides for retail/warehouse uses.

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "COMMERCIAL AND RETAIL WAREHOUSE" in the approved Ryckmans Neighbourhood Plan, the proposal complies.

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES

The subject lands are designated "COMMERCIAL AND RETAIL WAREHOUSE". Accordingly, the development should satisfy the following applicable design requirements:

- A landscaped strip at least 3.0 m (10 feet) wide shall be located adjacent to the Upper James Street road allowance.

- A 21.34 m (70 feet) wide front service road shall be located next the landscaped strip.

- Retail/warehouse establishments shall be located 24.39 m (80 feet) from the front lot line.

- A 3.0 m (10 feet) wide landscaped strip shall be provided along the rear lot line.

In addition, a 1.2 m - 2.0 m high visual barrier should be provided along the rear lot line to mitigate potential impacts on the adjoining park. The features of the Urban Design Guidelines will be implemented at the site plan control stage of development.

COMMENTS RECEIVED

- The Building Department has advised that:

  "The lands to the north and east of the subject property are residential districts, therefore the parking area and loading spaces shall provide a planting strip and visual barrier along the northerly and easterly lot lines.

  No concept drawing was submitted to determine compliance with the provisions of Zoning By-Law 6593."

- The Traffic Department, Hamilton Region Conservation Authority, Hamilton-Wentworth Regional Police Department and The Local Architectural Conservation Advisory Committee Staff have no comments on objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...there are public watermains available to service the proposed development. However, neither storm or sanitary sewers are available on this section of Upper James Street at this time.

  The designated road allowance width of Upper James Street is 36.58 m (120 feet). In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of construction (original road allowance) as shown on Plan No. 355 Misc.

  In the absence of any details shown, we advise that any works which may occur within the Upper James road allowance as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

  The applicant should be advised that any roadway improvement on Upper James Street, required as a result of this development approval will be at the expense of the applicant/owner.

  The details of these roadway improvements, if required, will be determined at the site plan stage.

The applicant should also be advised that the future reconstruction and widening of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands at some future date.

We recommend that these lands be developed in conjunction with lands to the south to minimize the number of accesses on Upper James Street with shared access, parking, etc. with adjacent lands.

The Traffic Department will comment on actual access design."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Ryckmans Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   - it implements the intent of the Official Plan;
   - it implements the intent of the approved Ryckmans Neighbourhood Plan which designates the subject lands for "COMMERCIAL AND RETAIL WAREHOUSE" use;
   - it is situated on a major arterial road (Upper James Street) where such commercial development is encouraged to locate;
   - it is readily accessible to public transit along Upper James Street;
   - it will allow for comprehensive development of the subject lands and adjoining lands to the south also owned by the applicant;
   - it would be compatible with future intended development in the surrounding area.

4. The subject lands are located within the area subject to the "Urban Design Guidelines - Upper James Street Corridor." Accordingly, the development should satisfy the follows applicable requirements:

   - A landscaped strip at least 3.0 m (10.0 ft.) wide, excluding any vehicular access, be provided and maintained adjacent to the Upper James Street road allowance;

- A 21.34 m (70.0 ft.) wide front service road shall be located next to the landscaped strip;
- Retail/warehouse establishments shall be located 24.39 m (80.0 ft.) from the front lot line;
- A 3.0 m (10.0 ft.) wide landscaped strip shall be provided along the rear property line.

In addition, a 1.2 m to 2.0 m high visual barrier should be provided and maintained along the easterly rear lot line and northerly side lot line of the property to mitigate impacts on the adjoining park lands

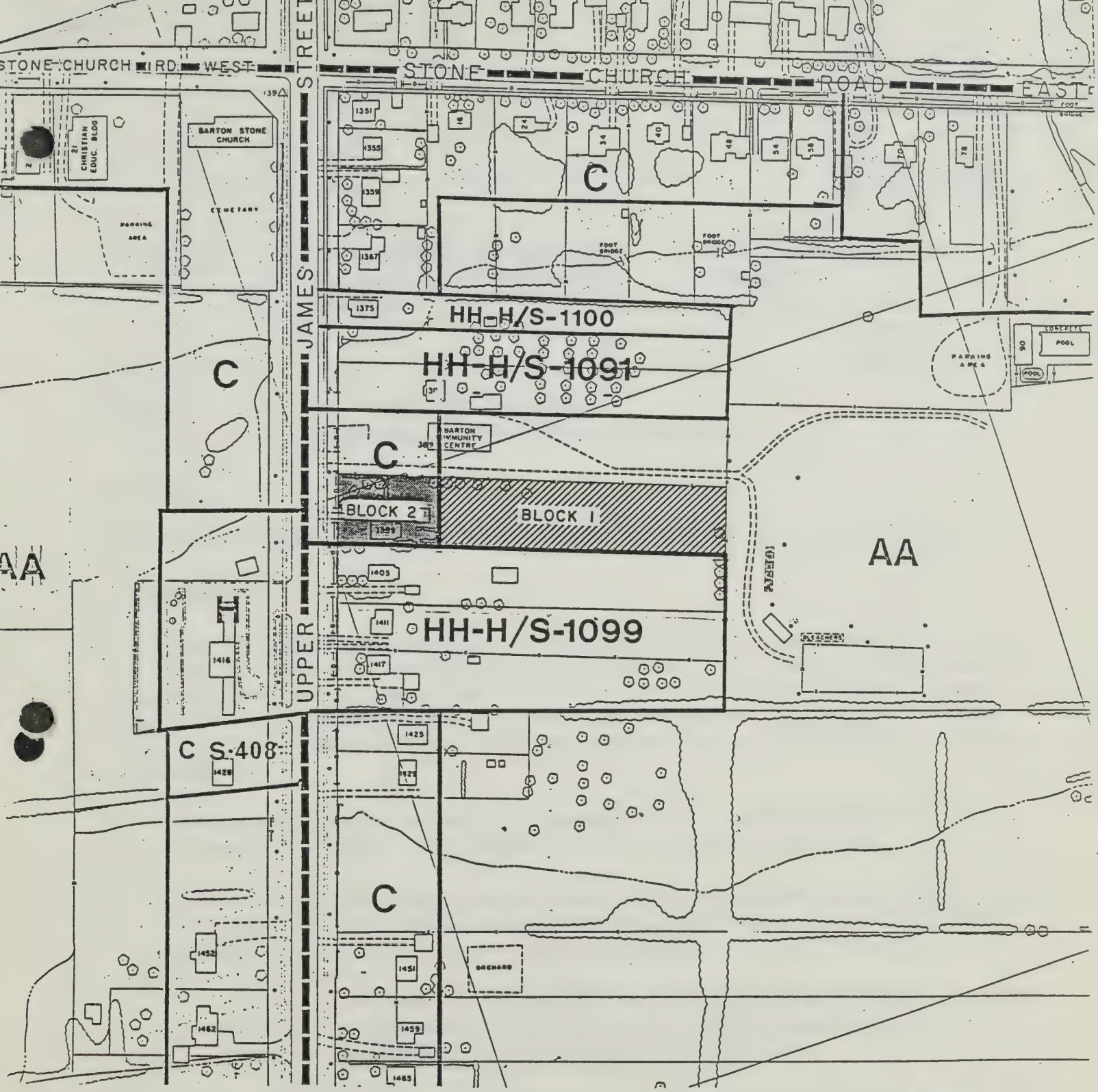
5. The requested "HH" (Restricted Community Shopping and Commercial) District Zoning would be appropriate for the type of development proposed, as it is consistent with zoning approved for other sites along both sides of Upper James Street between Stone Church Road and Rymal Road. The amending By-Law will incorporate the applicable Urban Design Guideline requirements for the Upper James Street Corridor.

6. Development of the lands would be subject to the provisions of Site Plan Control By-Law 79-275 as amended by By-Law 87-223. Matters such as road widening, parking, loading, access, landscaping, fencing, grading, etc., including the Urban Design Guidelines, will be further reviewed at the site plan stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/rl/ma
WPZA8968



LEGEND

ZA 89-68

PROPOSED CHANGE IN ZONING FROM:

BLOCK 1 — "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.

BLOCK 2 — "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT.

APPENDIX A

23.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE November 6, 1989
COMM FILE
DEPT FILE ZA-89-78
Raleigh
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at Nos. 783, 785 and 791 Concession Street.

RECOMMENDATION

That approval be given to Zoning Application 89-78 Browview Realty Ltd., owner, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1"), and a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2"), to permit a 5 unit townhouse development on property located at Nos. 783, 785 and 791 Concession Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the lands described as Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District.

ii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593 applicable to the lands shown as Blocks "1" and "2" be modified to include the following variance as a special requirement:

1) That notwithstanding the provisions of Section 18A.(1)(f) of By-law No. 6593 the required manoeuvring space aisle width for the two required parking spaces at the rear of the townhouse development shall have a minimum width of 4.88 m.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-35 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District for property located at No. 783 Concession Street, shown as Block "1" on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a 5 unit townhouse development on the lands described as Blocks "1" and "2", on the attached map marked as APPENDIX "A", being Nos. 783, 785 and 791 Concession Street.

In addition, the By-law provides for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations applicable to the lands described as Blocks "1" and "2", as shown on the attached map marked as APPENDIX "A", to reduce the aisle width for the required manoeuvring area for the two required parking spaces at the rear of the townhouse development from 6.0 m to 4.88 m.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to demolish the three existing single-family dwellings and to construct in their place a five unit townhouse development. (see APPENDIX "B")

APPLICANT

Browview Realty Ltd., owner.

LOT SIZE AND AREA

- 40.86 m (134.07 ft.) of lot frontage on Concession Street;
- 30.48 m (100.0 ft.) average lot depth; and,
- 1215.7 m^2 (13,086.11 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	three single-family dwellings	"H" (Community Shopping and dwellings Commercial, etc.) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District
Surrounding Lands		
to the north	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	apartments	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

In addition to the above, the subject lands are located within SPECIAL POLICY AREA 1b on Schedule "B" - Special Policy Areas. The following policies would also apply:

"A.2.9.1.1 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 is subdivided as shown on Schedule "B" into areas '1a' and '1b' for which the following provisions will apply:

ii) It is intended that development in Area '1b' will have a minimal impact on the adjacent ESCARPMENT (Area '1a'). Accordingly, the nature of development, as defined in Schedule "A" for this area, will be at a density, scale and height which is compatible with the ESCARPMENT".

The proposal is not considered to conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Raleigh Neighbourhood.

COMMENTS RECEIVED

- The Building Department has advised that:

  "Two of the required parking spaces at the rear of the site do not provided the 6.0 m manoeuvring space aisle width".

- The Traffic Department, Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains as well as combined storm and sanitary sewers are available to service the proposed development.

  Concession Street is 20.12 (66 ft.) in width. We do not anticipate any further road allowance widenings at this time.

  Any works which may occur within the Concession Street road allowance must conform to the Region of Hamilton-Wentworth Road Use By-law. The City of Hamilton Traffic Department is to comment on access design. The grade of the access within the Concession Street road allowance should not exceed 3%. The privacy fence on the West side of the lot must be recessed 5.0 m from the street line (property line) in accordance with Traffic standards.

  Any utility relocation required as a result of these accesses is to be at the sole expense of the applicant/owner. It is unclear what the status of the right-of-way is adjacent to the west side but the applicant may wish to review the privacy fence in that area of parking since it may be difficult to manoeuver into that area."

COMMENTS

1. The proposal complies with the intent of the "RESIDENTIAL" designation in the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   - the easterly 29.56 m (97.0 ft.) of the site already permits multiple family development (i.e. apartments or townhouses);
   - the surrounding lands to the north, east and west are occupied by apartment development;
   - the proposed 5 unit townhouse development would be compatible with established multiple family and commercial development in this area;
   - the site is situated on a public transit route and is within close proximity to amenities such as shopping facilities, churches schools, etc.

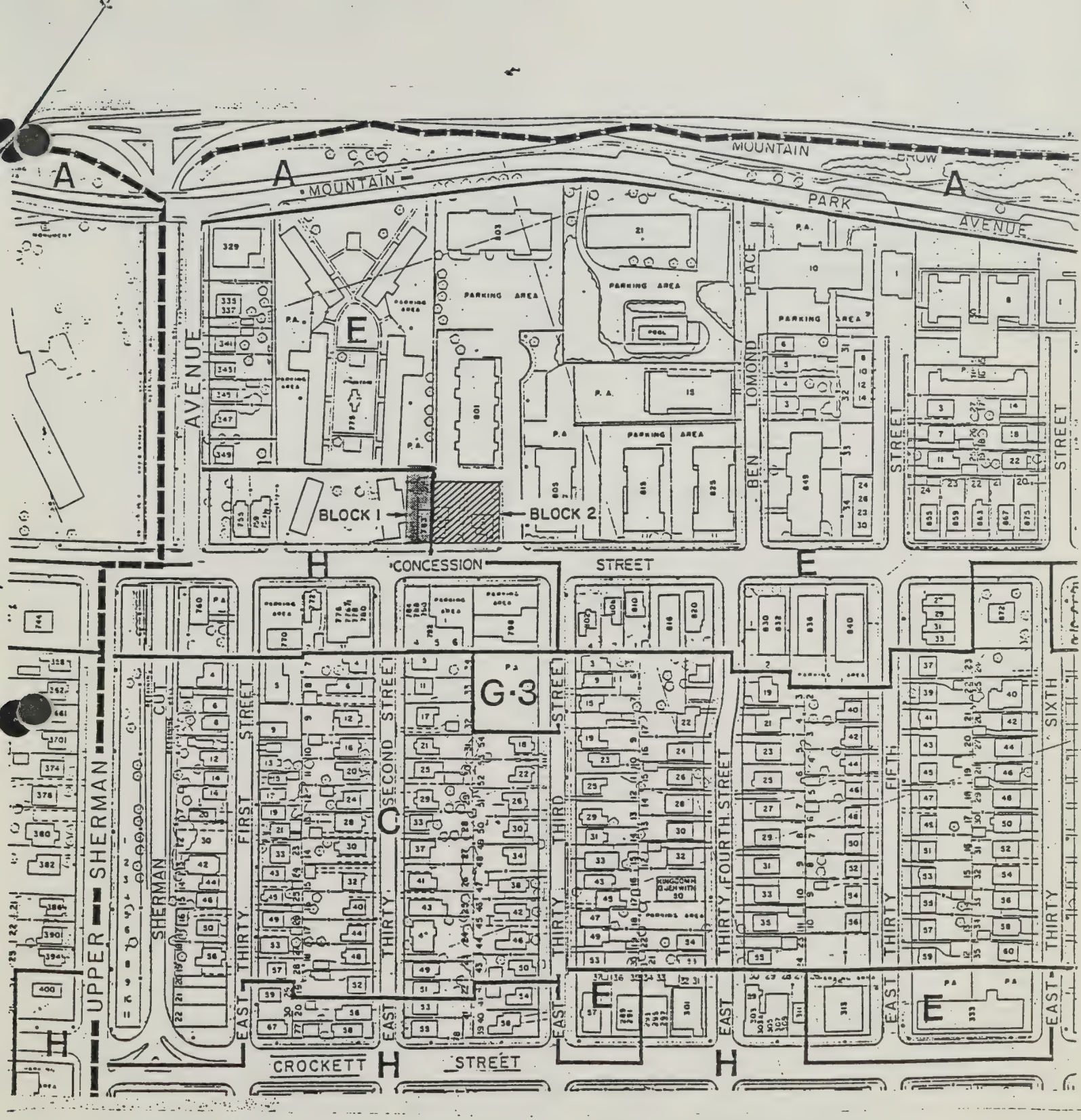
3. The preliminary site plan submitted with the application has been reviewed by the Building Department who have noted that a variance is required with regard to the width of the required manoeuvring area for the 2 required parking spaces located at the rear of the property. The variance is considered to be minor in nature and can be supported on the grounds that the parking spaces were established at this location a number of years ago, and the area adjoining the right-of-way is paved and is being used for manoeuvring purposes.

4. The lands within an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District are subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Accordingly, matters related to landscaping, grading, parking, loading, fencing, etc. will be reviewed at the Site Plan Control Stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA8978



Legend

BLOCK 1

Change in Zoning From "H"(Community Shopping and Commercial,etc.)District to "E"(Multiple Dwellings,Lodges,Clubs,etc.)District.

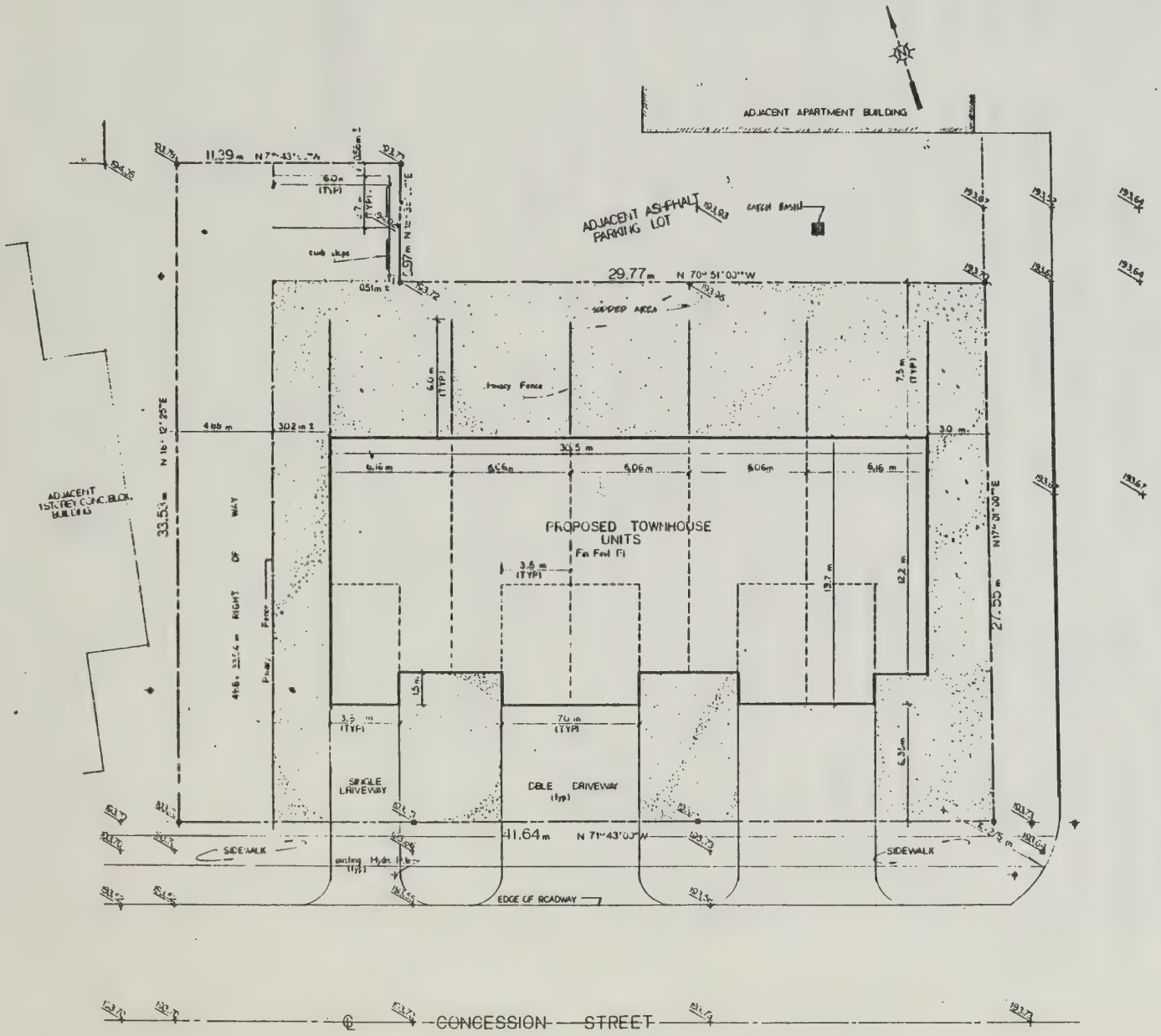
BLOCK 1

BLOCK 2

Site of the Application

ZA 89-78

APPENDIX A



DETAILS OF DEVELOPMENT

Location - 783,785,791 Concession St., Hamilton Pt. Lot 8 Conc. 1

Present Zoning - R 4 & 8

Proposed Zoning - R-Permitting 27-30

Proposed Use - 8Street Townhouses(8 units)

Lot Area - 1215.7m²

Building Area(Ground Floor) - 418.36m²

Lot Coverage - 33.76%

Paved Area, Driveways & Right-of-way- 388.9m²

Landscaped Area - 588.44m²

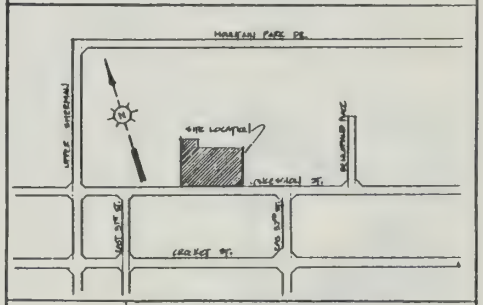
% Landscaping - 48.5%

Visitor Parking - 3 spaces

Max. Bldg. Ht.- 10m

Note: All information on this plan derived from topographical survey by Guido Consoli Surveying dated June 13th/89.

KEY PLAN (NTS)



DeFILIPPIS DESIGN
237 BARTON ST. E., SUITE 202
STONEY CREEK, ONTARIO L8E 2K4
(416) 662 2241

JOB NO.	PROPOSED TOWNHOUSE DEVELOPMENT FOR MORRIS LAX
CHKD. BY	
DRN. BY	
DATE JUNE '89	
SCALE 1:100	
DWG NO.	
SH 1 OF 3	SITE GRADING AND LANDSCAPING

APPENDIX B

23a

October

To Whom It May Concern:

The three houses you are going to demolish, should have been taken care of years ago. They are not fit for anyone to live in. Old cars in the driveways for years, never even the grass cut, garbage everywhere. Flags for curtains. Where have the city inspectors been? Why do they not take a drive from Sherman Ave to the Mountain Park & see the dirt & garbage. Those who take care of their homes, have watched the value of them go down, while no one at the City Hall ever cared & did anything about it. One of the Aldermen said recently, the Mountain is so clean he never drove along Concession St. they are to busy at each other to take care of the things that need it. Take a good look at our downtown. King St. is a mess, how about some action & get it cleaned up.

Mrs A. Jennings

ZA89-78

PROPOSED CHANGE IN ZONING - BLOCK 1 FROM H TO E

NOV 2 1989

PROPERTY DESCRIPTION - NO 783 CONCESSION STREET

I AM IN FAVOUR OF (✓)

OPPOSED TO ( ) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

.....

JENNINGS HAROLD ANDERSON
JENNINGS ARLEEN FERN
3 BEN LOMOND PL
HAMILTON ONT
L8V 2S7

Arleen Fern Jennings

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

.....

FILE-ZA89-78 SEQ-00001

Planning

FILE				
REC'D NOV 02 1989				
To	Initials	Info.	Act	R
M.F.M.				
H.L.S.				
R.W.K.				
M.B.H.				
R.W.H.				
W.L.D.				
B.J.M.				
M.A.S.				
G.J.F.				
E.R.A.				

23b.

6 Ben Lomond Place
Hamilton Ont.
Oct 31, 1989

NOV 6 1989

In reply to your notice for Amendment to change the city zoning by-law Block 1 from H to C. I heartily endorse this change as any change would be for the better.

Alderman Brian Henkley took a tour of the mountain in his limousine, he should drive down past Henderson Hospital and see the disgraceful conditions from Sherman Avenue to the Mountain Park. As for the three houses on Concession Street just past Humphreys Court, they should have been Condemned and demolished years ago. They are a disgrace to the City of Hamilton. I wonder what our city Inspectors have been all these years, for letting these houses stand as they are, on one of our main streets in such a terrible condition. One of these houses should have been condemned and a sign put on it "unfit for Habitation" years ago. The occupants used sheets for curtains, and I have also seen our Canadian Flag, for which we should be proud, used as a curtain to cover the windows because the people were too lazy to buy a pair of curtains. I have seen old rattle traps of cars which should have been towed away to the dump, parked in the driveways of these houses. Where is our city Councils pride when they allow these things to go on year after year.

Mrs. Amy Markell

PROPOSED CHANGE IN ZONING - BLOCK 1 FROM H TO E

PROPERTY DESCRIPTION - NO 783 CONCESSION STREET

I AM IN FAVOUR OF (✓)

OPPOSED TO ( ) (PLEASE CHECK (V) WHICH)

NOV 0 3 1989

THIS PROPOSED ZONE CHANGE

.....

Mrs Amy Maskell SIGNED

MASKELL WILLIAM GEORGE
MASKELL AMY MARIE
6 BEN LOMOND PL
HAMILTON ONT
L8V 2S7

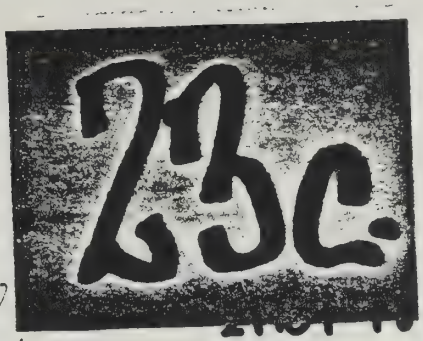
PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

.....

FILE-ZA89-78 SEQ-00004

NOV 0 6 1989



4 Ben Leonard Dr
Hamilton
Nov 1/89

NOV 6 1989

Dear Sir, -

I see no reason to object to the proposed housing for Concession St. in fact it should be an improvement. Down from Sherman Ave. it has been a real mess for a long time. The apartments also along Concession should also made to clean their places up and either get rid of these terrible bushes or get them trimmed. They never weed their places or keep their grass nice. If the city Hall is interested in finally cleaning this part of the mountain, the street you call a slum area East 35th St should be looked into. We have had trouble with this place for a long time, from drug addicts to motor-cycle people. The alderman who said in the paper the mountain is clean sure didn't do his homework first.

Good luck to your proposed plan

Sincerely Mrs. Edna Burrow

PROPOSED CHANGE IN ZONING - BLOCK 1 FROM H TO E

PROPERTY DESCRIPTION - NO 783 CONCESSION STREET

NOV 0 6 1989

I AM IN FAVOUR OF (✓)

OPPOSED TO ( ) (PLEASE CHECK (V) WHICH)

THIS PROPOSED ZONE CHANGE

..... Mrs. Edna Burrows
SIGNED

BURROWS EDNA
4 BEN LOMOND PL
HAMILTON ONT

L8V 2S7

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

.....

FILE-ZA89-78 SEQ-00002

24.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 8, 1989
COMM FILE
DEPT FILE: ZA-89-83
Bruleville
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 340 Limeridge Road East.

RECOMMENDATION

That approval be given to Zoning Application 89-83, 740888 Ontario Ltd., prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, to permit townhouse development for property located at No. 340 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18A and E-18C for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District for property located at No. 340 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit townhouse development of the subject lands.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to construct townhouse dwellings. The applicant also intends to transfer these units to Hamilton Baptist Non-Profit Homes upon receipt of funding allocation from the Ministry of Housing.

APPLICANT

740888 Ontario Ltd., prospective owner.

LOT SIZE AND AREA

The property is rectangular in shape and has:

- 75.59 m (248 feet) of lot frontage on Limeridge Road East;
- 114.3 m (375 feet) of lot depth; and,
- 0.81 ha (2 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	single-family residences	"C" (Urban Protected Residential, etc.) District
to the south	Mountain Freeway lands	"AA" (Agricultural) District
to the west	townhouses	"R-4" (Small Lot Single-Family Detached) District modified
to the east	single-family residences	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal is subject to the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

However, as the subject property is adjacent to the Mountain Freeway, the following policies are also applicable:

"C.7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterials or Inter-Regional Highways and Railway lines.

C.7.10 Council will require the developer of proposed RESIDENTIAL development adjacent to the proposed East-West and North-South Transportation Facility to provide evidence that the noise levels in outdoor recreation space, after applying appropriate noise attenuation measures, is the lowest level practicable. RESIDENTIAL development will only be permitted where attenuated noise levels in outdoor recreational space does not exceed

70 dBA. Council will not seek attenuation requirements where noise levels are, or are expected to be, at or below 55 dBA.

C.7.13 Noise attenuation measures will include, but not be limited to, the following:

i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;

ii) Spatial separation from the source, including the insertion of permitted sound insensitive uses between source and receiver;

iii) Building setbacks;

iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,

v) The use of suitably designed higher density residential structures."

The anticipated noise level for this property is between 59 and 63dBA as established by the Noise Impact Assessment prepared by Valcoustics Canada Ltd. in 1980. Based on the above policies, it appears that noise attenuation measures will be required. The proposal will comply with the intent of the Official Plan once the noise attenuation policies of Subsection C.7 are met.

NEIGHBOURHOOD PLAN

Designated "ATTACHED HOUSING" on the approved Bruleville Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The following agencies have no comment or objection:
  - Hamilton Region Conservation Authority;
  - Local Architectural Conservation Advisory Committee Staff;
  - Hamilton-Wentworth Regional Police; and,
  - Traffic Department.

- The Building Department has advised that:

  "The development will be subject to the freeway standards."

- The Freeway Steering Office has advised that:

  "The subject property is located on the south side of Limeridge Road and encroaches into lands required for the approved East-West arterial road.

  The Freeway Office will require the following as conditions of approval:

  1. That the rear 12 m (39.4 feet) be dedicated or transferred to the Region; and,

  2. That the inclusion of a 15.2 m (50 feet) berm easement be registered on title for the construction of noise attenuation."

- The Hamilton-Wentworth Engineering Department has advised that:

  "...please be advised that watermains as well as separate storm and sanitary sewers are available for this development.

  The designated road allowance width of Limeridge Road is 26.21 m (86 feet). In accordance with this designation we recommend that sufficient land be dedicated to the City to establish the property line 13.1 m (43 feet) from the centreline of the original Limeridge Road road allowance.

  The road widening is 3.04 m (10 feet) in width and is to be dedicated as a condition of development approval.

  In the absence of any plans, we advise that any works which may occur within the Limeridge Road road allowance as widened, must conform to the City of Hamilton Street By-law."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Bruleville Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Bruleville Neighbourhood Plan;

ii) the medium density nature of the proposed development is appropriate for the site given the adjacent freeway lands; and,

iii) the requested change in zoning is consistent with existing and future planned development in the area.

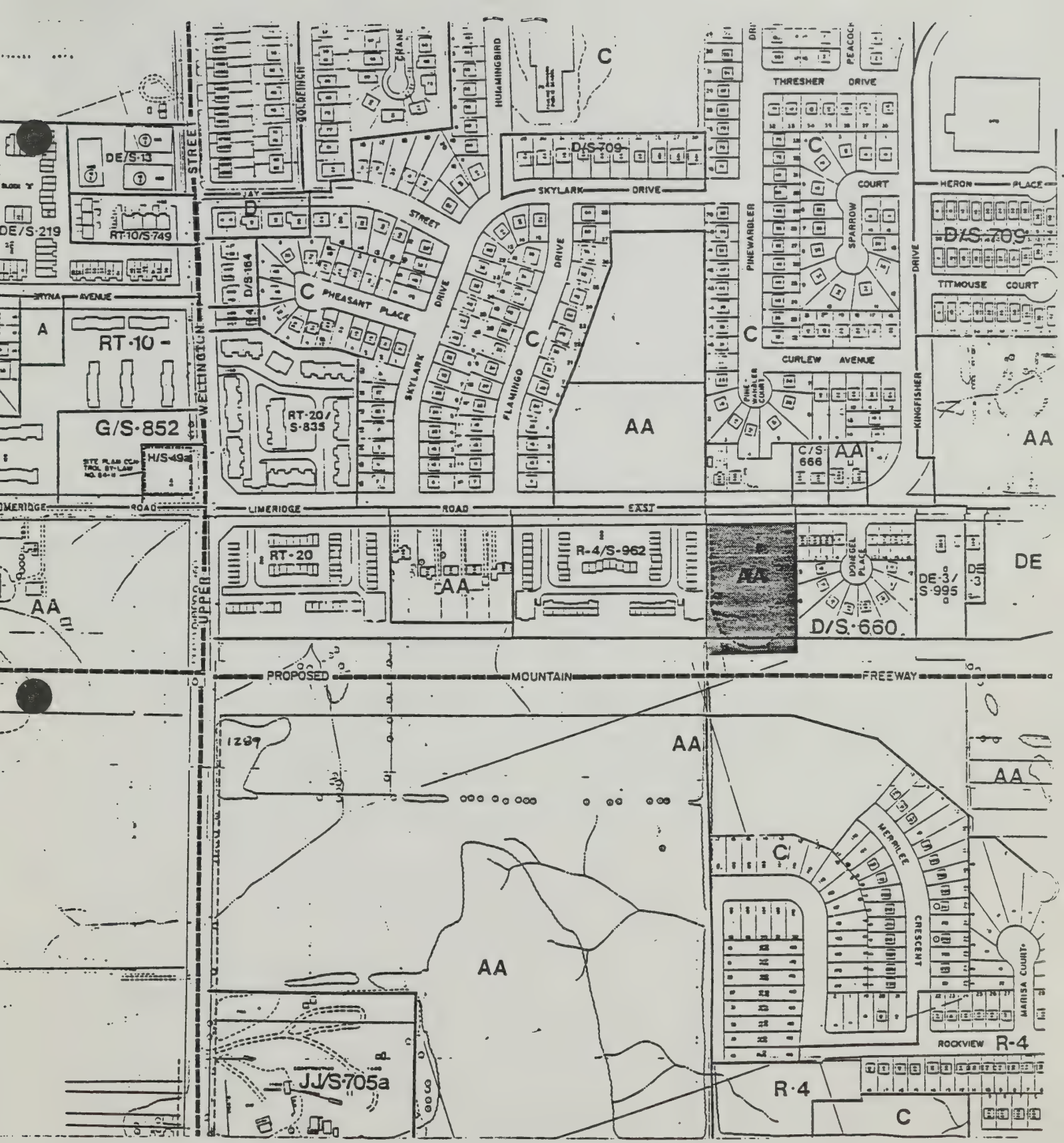
4. The requested "RT-20" (Townhouse - Maisonette) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. The concerns of the Freeway Office, the Engineering Department and the noise attenuation policies of the Official Plan will be addressed at the site plan stage of development.

5. The applicant should be advised that Council Policy requires residential buildings to be setback at least 22.86 m (75 feet) from the limit of the proposed Mountain Freeway. Accordingly, a rear yard depth greater than By-law requirements will have to be provided under Site Plan Approval.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA8983



LEGEND

SITE OF THE APPLICATION

ZA 89-83

APPENDIX A

25.

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

DATE: NOVEMBER 1, 1989
COMM FILE:
DEPT. FILE: P6-2A
P6-2-80

FROM: J. D. Thoms, Commissioner
Planning and Development Department

SUBJECT:

Official Plan Major (Five Year) Review

RECOMENDATION:

That Planning and Development Committee recommend to Council:

i) that approval be given to Official Plan Amendment No. 80, which would incorporate:

a) a new subsection - General Land Use Provisions;
b) minor policy changes; and,
c) amendments to the Schedules

as identified in APPENDIX "A"; and,

ii) that the City Solicitor be directed to prepare a by-law to adopt Official Plan Amendment No. 80 for submission to The Regional Municipality of Hamilton-Wentworth.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

Section 26 of the Planning Act requires a municipality to hold a public meeting, at least once every five years, to determine if there is a need to review the Official Plan. In this regard, the Planning and Development Department undertook a major review of the Official Plan's assumptions, objectives, polices and land use designations to determine if the policy directions etc. reflected Hamilton's planning objectives and goals until the year 2001.

The review identified a need:

- to add a new subsection (i.e. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;

- to rework two existing subsections (i.e. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;

- to initiate several minor policy changes to clairfy wording, to expand policies/procedures, recognize new government ministry names, etc.; and,

- to initiate amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries, etc.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

The attached Appendicies form the Offical Plan Amendment. In summary:

1) The general assumptions and objectives of the Plan remain relevant as a basis for policy direction to guide the City until the year 2001. However, one change is necessary; to adjust the population/design figure developed in the late 1970's to reflect a more realistic figure which is more representative of the current and projected population growth rate;

2) The Planning and Development Department's practice to continually monitor the Plan to identify areas in need of revision and to initiate major/minor Official Plan amendments has kept the Plan generally relevant and representative of the long term planning intentions of the City. No major shifts, adjustments or changes in philosphy are required; and,

3) While there appears to be numereous changes to the Official Plan, they are minor in nature. Highlights of these changes include:

   - the addition of a new subsection (ie. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;

   - a reworking of two existing subsections (ie. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;

- o several minor policy changes to clarify wording, to expand policies/procedures, recognize new government ministry names, etc; and,

- o amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries etc..

NOTE:

The colored versions of the Schedules will be displayed at the November 15, 1989 Public Meeting. However, they are available for viewing prior to the meeting in the Planning and Development Department.

JH-E/dkp/ns

A:\PDREPORT.2

The review identified a need:

- to add a new subsection (i.e. General Land Use Provisions) to outline uses which are permitted "as-of-right", without locational restrictions or prohibited within the City's boundaries;

- to rework two existing subsections (i.e. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;

- to initiate several minor policy changes to clairfy wording, to expand policies/procedures, recognize new government ministry names, etc.; and,

- to initiate amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries, etc.

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

The attached Appendicies form the Offical Plan Amendment. In summary:

1) The general assumptions and objectives of the Plan remain relevant as a basis for policy direction to guide the City until the year 2001. However, one change is necessary; to adjust the population/design figure developed in the late 1970's to reflect a more realistic figure which is more representative of the current and projected population growth rate;

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3) While there appears to be numereous changes to the Official Plan, they are minor in nature. Highlights of these changes include:

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   - a reworking of two existing subsections (ie. Airport and Historic/Architectural Resources) to incorporate changing roles and operations;

- o several minor policy changes to clarify wording, to expand policies/procedures, recognize new government ministry names, etc; and,

- o amendments to three Schedules, specifically "A", "B" and "D", to reflect current or proposed land uses, adjust land use boundaries etc..

NOTE:

The colored versions of the Schedules will be displayed at the November 15, 1989 Public Meeting. However, they are available for viewing prior to the meeting in the Planning and Development Department.

JH-E/dkp/ns

A:\PDREPORT.2

APPENDIX "A"

Major (Five Year) Review

Policy Changes
(Appendix "AA")

Schedule Changes
(Appendix "BB")

1.0) OFFICIAL PLAN

The City of Hamilton's Official Plan "is a comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services." More specifically, the Plan:

a) identifies a *land use and management strategy* to the year 2001;

b) provides the framework for the completion of public works and private initiatives in terms of the future growth of the City;

c) recognizes the neighborhood plans, special studies and zoning by-law as the implementation tools of the Official Plan; and,

d) functions as an intermediary between the concepts of the Regional Official Plan, Provincial documents such as the Niagara Escarpment Plan, Parkway Belt West Plan, and municipal goals and actions.

The importance of maintaining up-to-date and relevant Official Plan objectives and policies has been expressed through Section 26 of the Planning Act which requires special public meetings be held at least every five years to determine the need for revisions to the Plan.

The City of Hamilton's Official Plan was approved by the Minister of Municipal Affairs and Housing in June 1982. It has been the Planning Department's practice to continually monitor the Plan and identify areas in need of revision. Approximately every two years, the department consolidates all the required changes and initiates an Official Plan Amendment. In addition, the City has initiated major amendments to accommodate changing conditions not originally envisaged by the Official Plan. Listed below is a synopsis of the individual amendments resulting from the monitoring practice.

o <u>Housekeeping Amendments</u>

1) O.P.A. 5 introduced four policy wording changes (ie. to loosen land severance policies, broaden the commercial polices) added a new policy, (ie. to allow residential uses in Major Institutional designations), made two Schedule changes and removed Minister's referrals in both the text and Schedules. (Ministry approved - July 1983)

2) O.P.A 15 incorporated seven new policy areas and one new Schedule into the Plan as a result of the new Planning Act R.S.O. 1983. They include:

- o Community Improvement Plans and new Schedule "H";
- o Alternative Notice Procedures;
- o Holding By-law;
- o Bonus By-law;
- o Interim Control By-law;and,
- o Temporary Use By-laws.

(Ministry approved - July 1984)

3) O.P.A. 27 introduced ten policy changes (to add flexibility to industrial policies, clarify intent of certain policies), one new policy, (Neighborhood Plan approvals), four Schedule changes and removed Minister's referral and deferrals from the text and Schedules. (Ministry approved - September 1985)

4) O.P.A. 46 introduced five policy wording changes (ie. to reorganize the Commercial policies, to update the references to Provincial statutes, etc.) and several Schedule changes. (Ministry approved - April 1987)

o Major Amendments

1) O.P.A. 7 incorporated a number of commercial design standards to guide the neighbourhood planning process in the distribution of shopping centers. More specifically, it categorized shopping centers according to their gross floor area and identified the most appropriate area for the centers to locate. These policies now provide the planning rationale for establishing commercial nodes. (Ministry approved - April 1985)

2) O.P.A. 22 removed the "staging of development" policies thereby allowing development to proceed south along Upper James Street. The staging policies were artificial barriers to development. It was necessary to delete them in order to accommodate the pressures of development in this area of the City. (Ministry approved - September 1985)

3) O.P.A. 28 recognized Upper James Street as major highway oriented commercial corridor by outlining the location and types of uses to be permitted. Further, it provided the basis for more detailed planning through the preparation of Neighborhood Plans and Urban Design Guidelines for the Jerome, Kernighan, Ryckmans, Mewburn, Allison and Kennedy neighborhoods. This amendment was the second step in the "opening up" of Upper James Street. (Ministry approved - August 1986)

4) O.P.A. 62 will implement the Hamilton Beach Concept Plan by introducing land use changes for the Hamilton Beach area. The amendment envisages the Beach strip as a viable residential area coupled with some commercial, open space (pedestrian walkway) and institutional uses. The intent of the current Official Plan policies is to develop the area as a major open space/recreational facility. (Council adopted - November 8,1988)

5) O.P.A. 66 will implement the revised Central Area Plan by introducing a land use guide for the City's core from the present into the next century. Two new land use designations and related policies will also be included. (Council adopted - October 11,1988)

In addition to the Housekeeping and Major Amendments noted above, there have been 70 other amendments:

- 12 Area Specific Amendments resulting from special studies, Neighbourhood Plan Amendments (ie. Homeside Neighbourhood) or changing development trends (Upper Wentworth Street between Limeridge Road East and Mohawk Road East);

- 58 Site Specific Amendments of which 24 involved the establishment of Special Policy Areas and 34 redesignations (ie. a majority of which related to changes from RESIDENTIAL to COMMERCIAL)

These Official Plan Amendments have been an integral component in keeping the Official Plan updated and ensuring that the City of Hamilton applies planning principles and procedures that are relevant to the community's needs.

2.0) MAJOR OFFICIAL PLAN (FIVE YEAR) REVIEW

This major (five year) review is similar to housekeeping amendments except that it is more comprehensive than previous amendments. The scope of the Review will include an analysis of:

1) the broad concepts, assumptions and objectives which form the basis of the Plan;

2) the Subsections as a whole and the policies contained therein;

3) the Schedules, in particular how the Land Use Concept designations mesh with Neighbourhoood Plans.

2.1) REVIEW PROCESS

At the onset of the Review, various departments were requested to examine existing Subsections and policies to determine if they were still relevant to their Departmental (Engineering, Traffic, Library, H.S.R. and Parking Authority) operations, or if additional policies were needed to incorporate current conditions. The changes proposed are the result of a co-ordinated effort between City/Regional departments and agencies.

Further, the City's Strategic Plan and the Region's Economic Strategy were considered in this review to determine if the goals and objectives conflict with the Official Plan policies. In fact, many of the goals identified are compatible; for example:

- o the expansion of GO Transit;
- o the construction of the north/south/east/west transportation corridor;
- o the development of a housing strategy; and
- o the strengthening of the Central Area.

The Official Plan contains policies directly relating to issues such as the above.

2.2) ANALYSIS OF ASSUMPTIONS AND OBJECTIVES (STRATEGIES)

Since the adoption of the Official Plan in 1982, the Plan's original assumptions and objectives have not been tested to ensure that they are still applicable. It is the intent of this Review to assess these elements to determine if they still provide the appropriate policy direction to the year 2001.

The introduction to the Official Plan is divided into several key parts: purpose, basis, assumptions, and objectives. The purpose and the basis of the Plan did not require a change since the information is factual rather than philosophical.

2.2.1) Assumptions:

There are three basic assumptions or premises on which the Plan is based:

1) The City will continue be the major urban center of the Region;

2) The City will be able to accommodate 386,000 persons until the year 2001;

3) The majority of growth will be on the south mountain with some redevelopment in the lower city.

Assumption 1: Hamilton being the largest municipality in the Region in terms of population offers the largest array and number of goods, services, and employment opportunities. Due to the nature of its function and size, it is and will remain the major urban center for the Region. This is consistent with the thrust of the Regional Official Plan and Regional Economic Strategy.

Assumption 2: The population figure of 386,000 was considered both as a desisn figure and a projected population to be for Hamilton at the beginning of the 21th Century. It was developed in the late 1970's, in the preparation of the Regional Official Plan, when growth patterns, social and demographic characteristics were very different from those that the City experiences today. In addition, this figure was based on a simplisitic statistical method which created a very optimistic growth rate. A review of this figure revealed that it does not accurately reflect the growth rate in the City. Accordingly, it is more realistic to use recent and more statistically sophisticated population projections which have indicated that Hamilton will experience a stable growth rate resulting in a projected population of approximately 311,00 persons by the year 2006.

Accordingly, Assumption 2 should be re-worded to read as follows:

"Recent population projections assumes a stable population growth rate over the next 15 years and a anticipated population of 311,000."

Assumption 3: The development potential in the City is primarily based in the south mountain area with some redevelopment occuring in the lower City. This assumption is accurate since the majority of vacant land is located in the south mountain. Further, redevelopment historically has taken place in the older areas of the City where buildings become obsolete and/or infill opportunities exist.

2.2.2) Objectives:

The objectives of the Official Plan are based on the planning principle that the urban fabric is composed of land uses, and hard and soft services which have been arranged to create a functional, aesthetically pleasing, socially acceptable and cost efficient environment for the citizens. This fabric is complex and multi-faceted. Any change or alteration to just one element of this fabric affects part or all other elements. Accordingly, the City of Hamilton Official Plan has established three main *strategies* (objectives) based on this principle, and a method of implementing them. They include:

a) Land use and Management Strategy;
b) Servicing Strategy;
c) Amenity and Design Strategy; and,
d) Implementation.

More specifically:

1) The objectives of the LAND USE AND MANAGEMENT STRATEGY are:

- o to ensure a desirable mix of land uses which complement each other;
- o to identify and designate land uses to maxamize services and utilities; and,
- o to promote the Central Area as the commercial, economic and social center of the Region and two sub-regional centers as commercial nodes.

2) The objectives of the SERVICING STRATEGY are:

- o to encourage the orderly and economic extension of municipal services and works;
- o to ensure that Engineering Services (ie. Water Distribution, Sewage treatment,etc.) are provided or improved in response to the City's growth; and,
- o to develop and maintain an accessible and conflict free circulation and movement system.

3) The objectives of the AMENITY AND DESIGN STRATEGY are:

- o to provide Community Services commensurate with the City's growth;
- o to ensure that the environment of the City is enhanced through the mitigation of pollution; the retention and promotion of trees and landscaping; promoting safety; the rehabilitation and maintenance of existing buildings;
- o to promote and protect the City's heritage resources;
- o to promote and encourage the provision of a variety of dwelling units for all income levels; and,
- o to promote energy conservation throughout the City.

4) The IMPLEMENTATION section of the Official Plan outlines the tools, statutory powers and means which give effect to the policies. The section is divided as follows:

- o Regional Official Plan;

- o Zoning By-law;
- o Neighborhood Plans;
- o Planning Act;
- o Municipal Act and other statutes; and,
- o financial stability of the City.

The objectives of the Official Plan are of paramount importance in the formulation of new planning policies and/or amendments to existing ones. This is consistently being applied as evidenced by the following examples :

1) Central Area Plan Update

In 1988, the Central Area Plan Update was completed. The Plan reinforced a major objective of the Official Plan by promoting the Central Area as the social and economic center of the Region. In fact, the importance of the Central Area resulted in Official Plan Amendment No. 66. The Amendment is site specific in that it specifies in greater detail (than the current policies) the land uses, urban design and amenity strategies envisioned for the Central area until the year 2001.

2) Preparation of Neighbourhood Plans

Neighbourhood planning for undeveloped areas focuses on the physical design of a specific area of the City. It provides for a variety of land uses which complement each other; and a circulation and movement system that maximizes energy efficiency, safety etc. It is important to note that neighborhood plans are prepared when sewer construction is imminent. This established procedure further reflects the Official Plan objective of maximizing services by discouraging "leap frog" development.

3) Assessment of Development Applications

The merits of all development applications (zoning, subdivision etc.) are tested for compliance to the policies of the Plan. On a daily basis this testing (compliance) process permits an examination of the relevancy of the affected policies. When they are judged to be no longer flexible or reasonable in an attempt to achieved a desirable development pattern then they are amended; thereby ensuring that the policies are kept current and relevant.

Implementation of the Official Plan is critical in the realization of the objectives. It is imperative that the policies contained in the IMPLEMENTATION section are kept current with the latest implementation methodologies. Accordingly, they are updated from time to time by way of an Official Plan Amendment. For example, O.P.A No. 15 introduced several policy changes and additions as a result of Amendments to the Planning Act.

Based on the review above, it is clear that the objectives of the Official Plan remain current, relevant and responsive to changing conditions internal and external to the City.

2.3) REVIEW OF SUBSECTIONS/POLICIES

The Subsections and the policies contained therein were reviewed in tandem. As a result, a number of changes are being proposed; they run the gamut from major subsection changes to minor wording changes.

Appendix "AA" contains a detailed explanation of why these amendments are necessary as well as the changes proposed.

One major change, resulting from this review, is the addition of a new Subsection A.5 - GENERAL LAND USE PROVISIONS. The purpose of this new Subsection is to identify land uses which are permitted "as-of-right", without locational restrictions or prohibited within the City. A General Provisions section is common to the City's Zoning By-law as well as many other municipal Official Plans.

Other various subsection and policy amendments are necessary for the purposes of:

- clarifying wording to ensure the intent of the policy is being maintained; consistency among policies (ie. cross references among policies and/or subsections to contain same wording), etc.;

- recognizing the changing roles, operations of various agencies and departments (ie LACAC, Airport);

- including new policies as a result of Council directives, (ie day nurseries), new planning objectives (ie. GO Transit);

- recognizing new Ministry and Department names; and,

- expanding policies to include uses, procedures etc. not envisioned in 1982.

The local commercial policies in Subsection A.2.2 will be reviewed at a later date.

2.4) SCHEDULE CHANGES

Through the day to day administration and interpretation of the Official Plan the Schedules (maps) come under close scrutiny.

Appendix "BB" identifies the Schedule changes proposed for the purposes of:

- recognizing existing land uses. Most of these uses (ie. churches, schools) are permitted as-of-right in the various zoning districts but were not reflected in the O.P.;
- adjusting land use designation boundaries;
- reflecting land use changes which have resulted from economic and demographic changes (ie. closure of a school and the land use changed to residential); and
- recognizing land exchanges between property owners (i.e. City and School Board).

2.5) OTHER OFFICIAL PLAN CHANGES

Subsection D.9.3 of the Official Plan permits changes to the Official Plan that are minor in nature (typographical errors, format changes, or approvals pursuant to the Planning Act etc.) without holding a public meeting. Since the following change is considered minor in nature, it is contained in this report for information only.

On January 12, 1988 City Council approved the annexation of a parcel of land from Stoney Creek. On September 1, 1988, the Lieutenant Governor in Council approved the annexation which came into effect on January 1, 1989.

Change 1:

To amend Schedules "A", "B", "C","D", "F", "G", "H" of the Official Plan to include a parcel of land (located south of King Street East, north of the T.H. & B. tracks and west of Centennial Parkway) recently annexed by the City from Stoney Creek.

Change 2:

To amend Schedule "A" to designate the subject lands RESIDENTIAL.

3.0) CONCLUSIONS

This report fulfills the requirements of Section 26 of the Planning Act which requires the municipality to hold a public meeting, at least every five years, to determine the need if a review of the Official Plan is required.

Detailed below is a summary of the findings identified in this Major (Five Year) Review:

1) The general assumptions and objectives of the Plan remain relevant as a basis for policy direction to guide the City until the year 2001. However, one change is necessary; to adjust the population/design figure developed in the late 1970's to reflect a more realisitc figure which is more representative of the current and projected population growth rate.

2) The Planning and Development Department's practice to continually monitor the Plan to identify areas in need of revision and to initiate major/minor Official Plan amendments has kept the Plan generally relevant and representative of the long term planning intentions of the City. No major shifts, adjustments or changes are required.

3) The substantive changes to the Official Plan include: the addition of a new subsection, major reworking of two existing subsections (ie. Airport and Historic/Architectural Resources); as well as numerous policy changes. In addition, amendments to three Schedules, specifically "A", "B" and "D", are required to reflect current or proposed land uses, adjust land use boundaries etc..

A:5YRINTRO

APPENDIX "AA"

SUBSECTION AND POLICY CHANGES

REVIEW OF SUBSECTIONS/POLICIES

Section A - Land Use and Management Strategy

1) SUBSECTION A.1 - ANTICIPATED GROWTH

Issue A: Population figures from provincial assessment counts are no longer available on an annual basis.

Change:

Revise Policy A.1.1 by replacing the words, "an annual" with the words, "a regular" so that the entire policy reads as follows:

"1.1 Council will monitor, on a regular basis, population growth and related housing needs in order to identify required amendments to this Plan, or Neighbourhood Plans, and/or Five-Year Capital Works Program."

2) SUBSECTION A.2.1 - RESIDENTIAL USES

Issue A: Local commercial uses are subject to several policies within Subsection A.2.2. Therefore, it would be more accurate to refer to the entire Subsection instead of only specific sections (ie. General Provisions).

Changes:

Amend existing Policy A.2.1.3 iv) by:

i) deleting "the Local Commercial Uses and General Provisions" in the third line and replacing it with "the Commercial Polices as";

ii) replacing the word "Stations" in the second line with "Centres"

so that the entire policy reads as follows:

"2.1.3 iv) Limited individual or groups of commercial uses on sites not exceeding .4 ha in area, excluding Automobile Service Centers, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan."

3) SUBSECTION A.2.2 - COMMERCIAL USES

Issue A: There is a need to clarify the wording of Policy A.2.2.2.

Change:

Revise Policy A.2.2.2 by:

i) deleting the word "convenience" in the fourth line; and,

ii) adding the words "of a convenience type" after the word "Commercial Uses"

so that the policy reads as follows:

"2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Commercial Uses of a convenience type. ....."

Issue B: As a result of O.P.A. No. 27, residential uses are subject to Policy A.2.2.1 i) and other related commercial policies instead of the General Provision clauses only.

Change: Revise Policy A.2.2.7 by:

i) deleting the words "General Provisions of this Subsection" in the last line; and,

ii) replacing it with "provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection";

so that the policy reads as follows:

"2.2.7 ..... Residential uses may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection."

Change: Revise Policy A.2.2.17 by:

i) deleting the words General Provisions of this Subsection" in the last line; and,

ii) replacing it with "provisions of Policy 2.2.1 i) any other related policies as set out in this Subsection";

so that the policy reads as follows:

"2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection."

Issue C: Policy A.2.2.19 requires regional approval for extension of all commercial areas. The intent of the Policy is to ensure that commercial development will not impact the Regional road system. Accordingly, it is necessary to identify which are the Regional roads: they are identified on Schedule "F".

Change:

Amend existing Policy A.2.2.19 on the following basis:

i) to add a colon after the words, "permitted where":

ii) to add a semi-colon after the words, "be created";

iii) to add the words, "on arterial roads identified on Schedule "F" ", after the words, "created and"; and,

iv) to delete the words "subject to the approval of the Region." in the fifth line;

so that the entire policy reads as follows:

"2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

Issue D: Policy A.2.2.29 refers to all commercial developments that contain residential units. The intent of the stringent policy requirements is to apply only to major mixed commercial/residential developments and not to include small developments (e.g. an apartment over a store). The requirements refer to separate amenity areas, customer parking etc.

Change:

Revise Policy A.2.2.29 by replacing the words, "Any structure" with the words, "Major structures" so that the entire policy reads as follows:

"2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL."

Issue E: The Official Plan contains policies governing gas stations (both self-serve and full serve with a repair garage). However, public garages (auto repair establishments) and car washes which do not sell gasoline are not covered by these policies. It is appropriate that such uses be subject to the same requirements as gas stations due to the nature of their operations and potential impacts on adjacent uses.

Change:

Delete Policy A.2.2.30 and replace it with the following two new policies:

"2.2.30 AUTOMOBILE SERVICE CENTRES will include land or buildings used for the purposes of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location for AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads."

"2.2.31 In considering proposals for new AUTOMOBILE SERVICE CENTRES, Council will require that the following provisions are complied with in all respects:

i) Where AUTOMOBILE SERVICE CENTERS are located in a Shopping Center, the structure(s) will be physically separated from the major activity areas and buildings of the Shopping Center and be in close proximity to the major roads providing access; and,

ii) AUTOMOBILE SERVICE CENTERS will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation."

Change:

Renumber subsequent policies accordingly.

4) SUBSECTION A.2.3 - INDUSTRIAL USES

Issue A: At its meeting of June 28, 1988, Council approved amendments to both the Official Plan and Zoning By-law to allow day nurseries in industrial areas. (see Issue 8)

Change:

Revise policy A.2.3.1(ii) by adding the words, "day nurseries" after the words, "material suppliers", so that the entire policy reads as follows:

"2.3.1 ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, day nurseries, etc., which are intended to directly serve the Industries and their personnel."

Issue B: It is necessary to clarify the wording of Policy A.2.3.2.

Change: Revise Policy A.2.3.2 by replacing the word "some" with "an", deleting the letter "s" from the word "elements" and replacing the word "are" with "is" so that the policy reads as follows:

"2.3.2 ... However, an element of the hierarchy is shown on Schedule "B" as Special Policy Area 11 and as set out in Subsection A.2.9.3. The location and distribution of additional categories will be identified through Neighbourhood Plans."

Issue C: The intent of Policy A.2.3.16 is to apply Site Plan Control to the industrial districts in both the East Mountain Industrial Park and the West Hamilton area ("M-11" to "M-15" Districts) only. However, the Policy as it is currently worded, applies to many other industrial areas of the City (ie. "J", "K") as well. In addition, any development abutting the Conservation land must be placed under Site Plan Control to ensure that any impacts are minimized.

Change:

Revise Policy A.2.3.16 by:

i) deleting the word "All" in the first line;

ii) deleting the word "will" in the first line and replacing it with the word "may";

iii) adding the following sentence to the end of the policy "However, LIGHT INDUSTRIAL developments in the Prestige Industrial Districts will be subject to Site Plan Control."

so the entire policy reads as follows:

"2.3.16 New developments in the LIGHT INDUSTRIAL category may be subject to site plan control as provided by the Planning Act. However, all developments in the Prestige Industrial Districts will be subject to Site Plan Control."

Issue D: As result of a modification to Policy A.3.2.16., a change to Policy A.3.2.24 is required.

Change:

Revise Policy A.2.3.24 by:

i) deleting "in addition to all Light INDUSTRIAL developments."

ii) adding the phrase ""unless Council is satisfied that the impacts on the adajcent land uses are minimal."

so that entire policy reads as follows:

"2.3.24 Site Plan Control may be applied to any INDUSTRIAL development. However, it will be required for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands unless Council is satisfied that the impacts on the adajcent land uses are minimal."

5) SUBSECTION A.2.4 - OPEN SPACE

No Changes

6) SUBSECTION A.2.5 - OPEN WATER

No Changes

7) SUBSECTION A.2.6 - MAJOR INSTITUTIONAL USES

Issue A: Residential uses which locate within MAJOR INSTITUTIONAL areas are not subject to the same requirements that residential development in RESIDENTIAL areas must meet. To ensure consistent development standards for residential uses, it is appropriate to revise the policy accordingly.

Change:

Revise policy A.2.6.5 by:

i) deleting the word "USES" in the second line;

ii) inserting the phrase, "and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan" after the words, "surrounding area" so that the entire policy reads as follows:

"2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan."

Issue B: The current MAJOR INSTITUTIONAL policies do not promote the joint use of facilities such as a school site for recreational purposes whereas the Community Services Section does. Joint use facilities are in existence in many areas of the City and they should be recognized accordingly.

Change:

Insert a new policy A.2.6.6 as follows:

"2.6.6 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, recreational uses ancillary to the primary MAJOR INSTITUTIONAL use may be permitted, provided that they are compatible with the surrounding area."

Issue C: At its meeting of June 28, 1988, Council approved amendments to both the Official Plan and Zoning By-law to allow day nurseries in institutional areas. (see Issue 5)

Change:

A new policy, A.2.6.7, be inserted in Subsection A.2.6 MAJOR INSTITUTIONAL USES to read as follows:

"2.6.7 Council will encourage the establishment of Day Nurseries in areas designated MAJOR INSTITUTIONAL where:

i) adequate on-site parking is available;

ii) a drop-off/pick-up area can be provided; and,

iii) noise and traffic problems are not created."

8) SUBSECTION A.2 7 - UTILITY USES

Issue A: Policy A.2.7.1 restricts parking areas, other than those associated with warehouses, from locating on lands designated UTILITIES. The intent of the policy is to allow parking areas associated with a variety of uses not just warehouses.

Changes:

Revise Policy A.2.7.1 by:

i) deleting the words "and parking areas" in the third line;

ii) deleting "and" in the fourth line; and,

iii) adding "and parking areas" in the fourth line;

so that the entire policy reads as follows:

"2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing; electric power facilities; pipelines and natural gas lines; major road facilities; and parking areas. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are priortized and where their location is known have been identified."

9) SUBSECTION A.2.8 - CENTRAL POLICY AREA

Issue A: To ensure that residential uses are subject to all relevant policies of the Plan and that Policy A.2.8.1 is clear, minor wording changes are necessary.

Changes:

Revise policy A.2.8.1 ii) by:

i) adding the words, "of this Plan" after the words 'and C.7';

ii) deleting the word "housing" in the second line and adding it to the first line between the words 'various' and 'types;

iii) replacing the word "row" with "townhouses";

so that the entire policy reads as follows:

"2.8.1.ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as Subsections A.2.1 and C.7 of this Plan."

10) SUBSECTION A.2.9. - SPECIAL POLICY AREAS

No Changes (entire Subsection)

11) SUBSECTION A.3.1 - HAZARD LANDS

Issue A: There are no policies currently in place which would allow buildings or structures destroyed by fire or natural disasters to be re-built on the subject lands. It is appropriate to include such a policy so that the structures could be re-built.

Addition: To add a new clause vi) to Policy 3.1.2 which reads as follows:

"3.1.2 vi) Where an existing building or structure lying within all or part of the HAZARD LANDS is destroyed in a manner not related to the inherent environmental hazards of the land, Council may permit the building or structure to be re-built provided that:

a) Council and the Conservation Authority having jurisidiction over the land are satisfied that it will not be endangered by the environmental hazard specific to the site."

12) SUBSECTION A.3.3 - NON COMPLYING USES

No Changes

13) SUBSECTION A.3.4 - DIVISION OF LAND

No Changes

14) SUBSECTION A.4 - CENTRAL AREA PLAN

Pending OMB Approval.

15) SUBSECTION A.5 - GENERAL LAND USE PROVISIONS (new Subsection)

See Page A29.

o Section B - Servicing Strategy

16) SUBSECTION B.1 - DEVELOPMENT AND SERVICING EXTENSIONS

No Changes

17) SUBSECTION B.2.1 - WATER DISTRIBUTION

No Changes

18) SUBSECTION B.2.2 - SEWAGE DISPOSAL

Issue A: Sewage Disposal is the sole responsibility of the Region. Accordingly the following policies should be changed to reflect the appropriate jurisdiction.

Changes: Amend Policy B.2.2.1 by:

i) deleting the words ",with the co-operation of the Region, require"; and,

ii) adding "encourage the Region to ensure" in its place;

so the policy reads as follows:

"2.2.1 Council will encourage the Region to ensure that all new development in the City....."

Changes: Amend Policy B.2.2.2 by:

i) deleting the words "co-operate with"; and,

ii) replacing it with "encourage";

so that the entire policy reads as follows:

"2.2.2 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to investigate and implement methods of treating storm run-off and overflow from combined sewers in the City."

19) SUBSECTION B.2.3 - STORM DRAINAGE

Issue A: Policy B.2.3.2. should be clarified to reflect the Region's and City's jurisdiction respecting storm drainage and sanitary sewers.

Change: Amend Policy B.2.3.2 by adding the words "co-operate with the Region, to" between 'will' and 'ensure' in the first line so the entire Policy reads as follows:

"2.3.2 Council will co-operate with the Region to ensure that all STORM DRAINAGE facilities are constructed completely separate from Sanitary Sewer facilities and encourage, where feasible, the separation of existing combined systems when appropriate opportunities arise."

20) SUBSECTION B.2.4 - SOLID WASTE DISPOSAL

Issue A: The sanitary landfill site in the East Mountain is closed and therefore, Policy B.2.4.5 which deals with possible alternative land uses, is no longer applicable.

Change: Delete Policy B.2.4.5 in its entirety and renumber all subsequent policies.

21) SUBSECTION B.3.1 - ROAD NETWORK

Issue A: Upper Horning Road will no longer be an access for the east/west transportation facility so Policy B.3.1.7 should be amended accordingly.

Changes: Revise Policy B.3.1.7 by:

i) deleting the word "facilities' and replacing it with "facility";

ii) deleting "Upper Horning Road" in subclause i);

iii) renumbering subsequent sub-clause; and,

iv) adding the word "Avenue" after "Upper Gage" in existing sub-clause v);

so that the entire policy reads as follows:

"3.1.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to protect lands for the purposes of future controlled access interchanges to the proposed east-west transportation facility in the vicinity of:

i) Garth Street;
ii) Upper James Street;
iii) Upper Wentworth Street;
iv) Upper Gage Avenue; and,
v) The northern extension of Dartnall Road.

Issue B: The Ministry of Transportation and Communications has changed its name to the Ministry of Transportation.

Change:

Revise Policy B.3.1.4 i) by deleting and Communications" from the fourth line so that the entire policy reads as follows:

"3.1.4 i) INTER-REGIONAL HIGHWAYS will have right-of-way widths and design standards adequate to accommodate long distance traffic; the right-of-way widths and design standards under the jurisdiction of the Province are determined by the Ministry of Transportation."

22) SUBSECTION B.3.2 - PUBLIC TRANSIT

Issue A: All references to "Transit Authority" should be changed to "Regional Transportation Department".

Change: Amend Policies 3.2.1, 3.2.2, and 3.2.8 by;

i) deleting the words "Transit Authority"; and,

ii) adding the words "Regional Transportation Department";

so the policies read as follows:

"3.2.1 In accordance with the Regional Official Plan, Council will encourage the Regional Transportation Department to maintain a level of PUBLIC TRANSIT service that reflects and meets the needs of the commuting public...."

"3.2.2 Council will encourage the Regional Transportation Department to ensure;...."

"3.2.8 (see below)

Issue B: Policy B.3.2.8 should be amended to reflect the Region's policies concerning the location of Transit stops.

Change: Amend Policy B.3.2.8 by adding the words "in accordance with the policies established by the Region" between the words 'stops' and 'where' in the second line so the policy reads as follows:

"3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and co-operate with the Regional Transportation Department to locate TRANSIT stops, in accordance with the policies established by the Region. Where possible and feasible, in close proximity to passenger generators....."

Issue C: Policy B.3.2.11 which focuses on the need for an innovative intermediate capacity transit line connecting downtown and the Mountain, should be deleted since it is no longer applicable given the demise of the Intermediate Transit System proposed by the Province in 1981.

Change: Delete Policy B.3.2.11 in its entirety

Issue D: The Official Plan does not contain policies which specifically relate to the commuter rail extension in downtown Hamilton. It is appropriate to include such policies given the importance of GO Transit rail service over the next two decades.

Change: Add the following new policies:

"3.2.11 Council will co-operate with the Regional and Provincial Governments to improve commuter rail services (GO Transit) connecting downtown Hamilton with other centres.

"3.2.12 To ensure an integrated TRANSIT system, the proposed GO terminal at the C.P. Rail railway station (former T.H. & B. station) be developed as an inter-modal TRANSIT facility providing services such as, but not limited to, Kiss-n-Ride and intercity bus links.

23) SUBSECTION B.3.3 - PUBLIC AND PRIVATE PARKING

Issue A: To clarify the intent of the temporary parking provisions minor wording changes are required.

Change:

Revise policy B.3.3.9 by inserting the words, "notwithstanding their designations on Schedule "A"," after the words, "PARKING lots" so that the policy reads as follows:

"3.3.9 In accordance with The Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which can be advantageously utilized to relieve PARKING difficulties in the City, may be authorized by Council to be used as "temporary" PARKING lots, notwithstanding their designations on Schedule "A", subject to the following:..."

24) SUBSECTION B.3.4 - PEDESTRIAN AND BICYCLE CIRCULATION

Issue A: Policy B.3.4.1 requires updating to reflect the recent establishment of a bikeway system both within the City and between municipalities.

Changes:

Revise Policy B.3.4.1.by:

i) deleting the word "and" in the fourth line and replacing it with the word "or";

ii) deleting the sentence "In this regard, Council will undertake a detailed investigation of such a stem which will lead to implementation through the preparation of Neighbourhood Plans";

iii) adding the sentences "The location of bikeways, and pedestrian paths may be detailed through the preparation of Neighbourhood Plans. Further, where feasible, Council will continue to implement a "link-node" system."

so the entire Policy reads as follows:

"3.4.1 Council will promote the development of a "link-node" system which will link major PEDESTRIAN destinations such as Schools, Parks and Commercial areas (e.g. the Central Policy Area) by PEDESTRIAN paths, sidewalks along certain roads or BICYCLE routes. The location of bikeways, and pedestrian paths may be detailed through the preparation of Neighbourhood Plans. Further, where feasible, Council will continue to implement a "link-node" system."

25) SUBSECTION B.3.5 - RAIL SERVICE

No Changes

26) SUBSECTION B.3.6 - MARINE SERVICE

No Changes

27) SUBSECTION B.3.7 - AIR SERVICE AND THE HAMILTON CIVIC AIRPORT

Issue A: On September 1, 1985, the management of the Hamilton Airport was transferred from the City of Hamilton to the Regional Municipality of Hamilton-Wentworth. The Official Plan policies must be updated to reflect this change and the airport's new name. Accordingly, Subsection B.3.7 should be amended as follows:

Change 1:

Rename Subsection B.3.7. to "AIR SERVICE - HAMILTON AIRPORT"

Change 2:

Amend the preamble as follows:

"It is the general intent of this Plan to recognize the importance of the Hamilton Airport to the City and the Region. Accordingly, the City will co-operate with all levels of government and private agencies to provide safe and efficient AIR SERVICE."

Change 3:

Amend policy B.3.7.1. as follows:

i) to delete the word "civic" in the first line; and

ii) to replace the words "co-operate with" to "encourage" in the third line.

The paragraph as amended should read as follows:

"Council recognizes the importance of the HAMILTON AIRPORT for the growth and development of the City and Region. In this regard, Council will encourage all other agencies of government and private authorities to enhance AIR SERVICE to meet the future travel needs by means of:

i) Modernization and expansion of existing facilities;

ii) Construction of new runways; and

iii) Improving ancillary uses associated with the operation of the AIRPORT such as access and Engineering Services."

Change 4:

To delete Policies 3.7.2 and 3.7.3 in their entirety.

28) SUBSECTION B.4 - UTILITY SERVICES

Issue A: The title in Subsection B.4 - Utility Services is almost identical to the land use designation "UTILITIES". The designation is general in nature but Subsection B.4 is specific. Accordingly, the title "Utility Services" should be changed.

Change 1:

Rename Subsection B.4 to "PUBLIC UTILITY SERVICES"

Section C - Amenity and Urban Design

29) SUBSECTION C.1 - COMMUNITY SERVICES

No Changes

30) SUBSECTION C.1.1 - PARKLANDS

No Changes

31) SUBSECTION C.1.2 - SCHOOLS

No Changes

32) SUBSECTION C.1.3 - LIBRARY SERVICES

Issue A: Minor wording changes and a format change is required to ensure the policies remain relevant.

Change 1: Amend Policy 1.3.1 as follows by:

i) adding the word "public" in the first line;

ii) rewording the phrase "Libraries should be located" to read "The Hamilton Public Library Board should consider new locations"; and,

iii) renumbering Policy 1.3.1 iii) to Policy 1.3.3;

so that the policy reads as follows:

"1.3.1 Should established public LIBRARY facilities become functionally and locationally inadequate to serve area residents due to population growth and user demands, Council will encourage the Hamilton Public Library Board to provide alternative or additional branch LIBRARIES. To ensure the provision of suitable LIBRARY sites, Council will encourage

the inclusion of the Library Board in the planning of civic developments. The Hamilton Public Library Board should consider establishing new locations in accordance with the following provisions:

i) ....

ii) ...."

Change 2: Amend Policy 1.3.2 as follows by:

i) deleting the word "will" in the first line and replacing it with the word "should"; and,

ii) deleting the phrase "South Central Regional Library System" and replacing it with "Ontario Library Service South";

so the entire policy reads as follows:

"1.3.2 The Hamilton Public Library Board should be encouraged to continue to co-operate with the Ontario Library Service South in order to maxamize and enhance the level of service to City residents."

33) SUBSECTION C.2 - SAFETY AND CONVENIENCE

No Changes

34) SUBSECTION C.3 - TREE PLANTING AND LANDSCAPING

No Changes

35) SUBSECTION C.4 - POLLUTION

Issue A: Policy 4.1 refers 'any International Joint Commission' when in fact there is only one.

Change:

Revise Policy C.4.1 by replacing the word "any" in the first line with the word "the" so that the entire policy reads as follows:

"4.1 Council will encourage appropriate Provincial and Federal agencies, including the International Joint Commission, to achieve a continuing reduction in levels of POLLUTION originating beyond the Region.

36) SUBSECTION C.5 - PROPERTY MAINTENANCE AND MUNICIPAL HOUSEKEEPING

No Changes

37) SUBSECTION C.6 - HISTORIC AND ARCHITECTURAL RESOURCES

Issue A: Changes to the name, the intent and the policies are necessary to reflect the expanded role of LACAC. In addition, wording inconsistencies are noted and provincial name changes thus necessitate the amendments identified below.

Change 1:

Rename Subsection C.6 to "HERITAGE RESOURCES".

Change 2:

Amend the introductory paragraph as follows:

i) to add the word 'heritage' on the first line between 'local' and 'resources';

ii) to reword 'HISTORICAL AND ARCHITECTURAL' on the second line to read 'historic, architectural, archaeological, and aesthetic';

iii) to reword the third line to read '..and to retain the City's distinctive character'; and,

iv) to delete the word 'Accordingly,' in the fourth line.

The paragraph, as amended, should read as follows:

"The intent of this Plan is to sensitively manage the wealth of local heritage resources. It is intended that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible, to retain the City's distinctive character. It is further intended that the appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use."

Change 3:

Add a new policy to be numbered "6.1":

"6.1 It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value."

Change 4:

Renumber all subsequent policies accordingly.

Change 5:

Amend existing Policy 6.1 by deleting the word' periodically' in the fourth line.

Change 6:

Amend existing Policy 6.2:

i) to change the word 'HISTORICAL' to 'historic in clause i); and,

ii) to reword clause ii) to read as follows:

"The majority of the buildings are of a style or method of construction which has historic or architectural significance to the City, Region or province."

Change 7:

Amend existing Policy 6.3 by deleting 'and require the endorsement of the Ministry of Culture and Recreation' in the third and fourth lines of clause ii).

Change 8:

Amend existing Policy 6.4 by changing the word 'HISTORICAL' to 'historic' in the third line.

Change 9:

Amend existing Policy 6.5 by changing the word 'HISTORICAL' to 'historic' in the second line.

38) SUBSECTION C.7 - RESIDENTIAL ENVIRONMENT AND HOUSING POLICY

Issue A: Policy C.7.4 ii) omitted the cross reference to Policy C.7.5 which also refers to housing targets.

Change:

Revise Policy C.7.4 ii) by adding the following words to the end of the sub-clause "pursuant to Policy 7.5 below." so that the entire policy reads as follows:

"7.4 ii) The housing targets established by Council pursuant to Policy 7.5 below."

Issue B: Policy C.7.5 requires that housing updates, such as the Municipal Housing Statement be done on an annual basis. Due to resources and annual data limitations, it is not possible to complete such an extensive study every year.

Change:

Revise Policy C.7.5 by deleting the word, "annually" so that the entire policy reads as follows:

"7.5 Council will monitor the supply and production of new housing, update housing targets, revise priorities and/or identify POLICY changes in order to better achieve the housing targets."

Issue C: The Ministry of Transportation and Communications has changed its name to the Ministry of Transportation.

Change: Revise Policy C.7.14 by deleting "and Communications" in the first line so that the entire policy reads as follows:

"7.14 Council will co-operate with and encourage the Ministry of Transportation to achieve an attenuated sound level as low as practicable below 70 dBA where a major road is proposed to be built or expanded through, or adjacent to, a designated RESIDENTIAL area."

39) SUBSECTION C.8 - ENERGY

No Changes

40) SUBSECTION D.1 - REGIONAL OFFICIAL PLAN

Issue A: Policy D.1.2 indicates that Council approves O.P.A.s, Neighbourhood Plans etc. when in fact Council adopts them.

Change:

Revise Policy D.1.2 by replacing the word "approve" in the first line with the word "adopt" so the entire policy reads as follows:

"1.2 Council will not adopt amendments to this Plan, Neighbourhood Plans or by-laws which do not conform with the REGIONAL OFFICIAL PLAN, but may request initiation of amendments to the REGIONAL OFFICIAL PLAN when warranted."

Issue B: Policy D.1.3 inadvertently requires that O.P.A.s etc. be in compliance with Regional policy but in fact it should be the Regional Official Plan.

Change:

Revise Policy D.1.3 by deleting the words "REGIONAL policy" in the last line and replacing them with "REGIONAL OFFICIAL PLAN."

41) SUBSECTION D.2 - PLANNING UNITS AND NEIGHBOURHOOD PLANS

Issue A: Multi-Center plans, as detailed in Neighbourhood Plans are flexible and subject to change. A new policy is required to eliminate unnecessary amendments to the Official Plan (eg. Jerome Neighbourhood Plan) to accommodate such minor neighbourhood plan changes.

Change 1:

A new clause be included in policy D.2.3 dealing with Multi-Centers should be inserted as follows:

"vi) Notwithstanding the above, amendments to this Plan, necessary to implement Multi-Centers, will not take place until the time of rezoning."

42) SUBSECTION D.3 - ZONING BY-LAW AND SITE PLAN CONTROL

Issue A: The current Holding Zone policies are narrow in scope. It would be useful to have the opportunity to use holding zones on a wider basis (properties requiring site plan approval, etc.).

Change:

Revise Policy D.3.3:

i) by adding the a new sub-section:

"iii) Where it is necessary to control the phasing of development;"

ii) by adding the words, "or site plan approval" after the words, "detailed design plan" in policy iv);

iii) by renumbering clauses iii) and iv) accordingly;

so that the entire policy reads as follows:

"3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol "H" in the ZONING BY-LAW and applied under one or more of the following circumstances:

i) ....

ii) ....

iii) Where it is necessary to control the phasing of development;

iv) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and,

v) Where an area must undergo further study, or where a detailed design plan or site plan approval is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time."

43) SUBSECTION D.4 - FINANCIAL STABILITY

No Changes

44) SUBSECTION D.5 - MUNICIPAL LAND ACQUISITION

No Changes

45) SUBSECTION D.6 - OFFICIAL PLAN AMENDMENTS AND REVIEWS

No Changes

46) SUBSECTION D.7 - GOVERNMENTAL ASSISTANCE

No Changes

47) SUBSECTION D.8 - INTERPRETATION

No Changes

48) SUBSECTION D.9 - NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURE

No Changes

49) SUBSECTION D.10 - COMMUNITY IMPROVEMENT

No Changes

50) SUBSECTION A.5 - GENERAL LAND USE PROVISIONS

Issue A: Many Official Plans contain a subsection outlining those uses which are permitted "as-of-right", without locational restrictions or prohibited within the City boundaries. Most of these uses are under Federal, Provincial, Regional or Municipal jurisdiction. The uses listed in the new General Land Use Provisions have been derived from similar provisions in the Zoning By-law.

It is proposed that the following sub-section be introduced into the Official Plan.

Addition:

A.5 - GENERAL LAND USE PROVISIONS

It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restrictions throughout the City. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City.

5.1 Notwithstanding SECTIONS, A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is maintained and it is keeping with the intent of the development standards set out in this Plan:

i) any operation of the Government of Canada, Government of Ontario, Regional Municipality of Hamilton-Wentworth, City of Hamilton, or any public agency, board or commission including Ontario Hydro and Hamilton Hydro Electric Commission, except for their maintenance and storage facilities;

ii) places of worship, publically owned airfields, publically owned parks and open spaces; and,

iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners in accordance with Subsection D.8.

5.2 Notwithstanding SECTIONS A, B, and C of this Plan, any maintenance and storage facilities operated by the various levels of government, public agency, board or commission as identified in Policy 5.1i), existing prior to the approval of Sub-section A.5 of this Plan will be permitted within all land use designations. Any facility established after this time will be permitted in all land use designations but will be discouraged in RESIDENTIAL designations.

5.3 Those uses which create a danger to health from fire and explosion, as defined in the Zoning By-Law, will be prohibited within the City of Hamilton.

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APPENDIX "BB"

SCHEDULE CHANGES

o **Schedule "A" Changes**

Issue A: Sites have been identified which have been used for commercial purposes for many years or have been identified for commercial purposes in recently approved Neighborhood Plans.

Changes:

To redesignate the following lands from RESIDENTIAL to COMMERCIAL.

	LOCATION	USE(S)
i)	100,108,126 Queenston Road	Auto Repair Garage, bowling alley, Derby hotel
ii)	East of Quigley Road, south of the T.H.& B. tracks	proposed commercial
iii)	West side of Upper James Street between Blossom Lane and Stone Church Road West	proposed commercial
iv)	South-west corner of Upper Sherman and Rymal Road East Avenue	gas station, proposed commercial

Issue B: A number of sites (greater than 0.4 ha in site area) are currently being used for institutional purposes. In accordance with the proposed new Subsection A.5 - General Land Use Provisions, these uses will be permitted within all land use designations. However, it would be more appropriate to redesignate these lands to reflect the current land uses.

Changes:

To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL.

	LOCATION	USE(S)
i)	South-east corner of Limeridge Road and Upper Ottawa Street	Fire Station
ii)	1387 Upper Wellington Street	Church
iii)	353-363 Stone Church Road East	Schools, Church, Senior

		Citizens Center
iv)	235 Bowman Street	School
v)	357 Hunter Street West	School
vi)	833 Stone Church Road East	Church
vii)	648 Limeridge Road East	Church
viii)	1605 Garth Street	Church
ix)	225 Quigley Road	Fire Station

Issue C: A site (which is greater than 0.4 ha in site area) is currently being used for institutional purposes in a residential area. It would be appropriate to redesignate the lands to reflect the current land use.

Change:

To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL.

LOCATION		USE
i)	45 Lockton Crescent	Nursing Home

Issue D: In the preparation of the Neighbourhood Plans, lands that were intended for major institutional uses are inadvertently designated for residential purposes.

Change: To redesignate the following lands from RESIDENTIAL to MAJOR INSTITUTIONAL:

LOCATION		USE(S)
i)	Between Limeridge Road East and Stone Church Road East, east of Upper James Street	School
ii)	South side of Rymal Road East, between Upper Wentworth Street and Upper Sherman Avenue	Institutional
iii)	West side of Upper Wellington Street, between Limeridge Road East and Stone Church Road East	Proposed Fire Station

Issue E: A number of sites have always been proposed or used for park or open space purposes but due to drafting errors these lands were not reflected on the Schedule.

Changes:

To redesignate the following lands from RESIDENTIAL to OPEN SPACE.

	LOCATION	USE(S)
i)	South of Rymal Road East, east of Upper Sherman Avenue	Parks
ii)	South of the N-S/E-W Freeway between the utility corridor and Upper Sherman Avenue	Open Space link
iii)	South of the N-S/E-W Freeway west of Upper Gage Avenue	Open Space link
iv)	South of Limeridge Road East, west of Upper Wellington Street	Parks
v)	South-east corner of Greenhill Avenue and Hildegard Drive	Park
vi)	South of Rymal Road East, west of Christie Street (2 parcels of land)	Proposed Park, Ravine
vii)	West of West 5th between Stone Church Road East and Rymal Road East (2 parcels of land)	Park
viii)	East of Garth Street between Limeridge Road East and Stone Church Road East	Park

Issue F: A site was designated restricted INDUSTRIAL in the old Official Plan (O.P.A. 358). The lands were inadvertently omitted when the new Official Plan was prepared.

Change:

To redesignate the following lands from RESIDENTIAL to INDUSTRIAL.

	LOCATION	USE(S)
i)	North of Barton Street East between Gage Avenue North and Ottawa Street North	gas station commercial

Issue G: The southern portion of the City's reservoir was inadvertently designated RESIDENTIAL.

Change:

To redesignate the following lands from RESIDENTIAL to UTILITIES.

	LOCATION	USE
i)	East of Garth Street between between Stone Church Road West and Rymal Road West	Reservoir

Issue H: The boundary of a commercial designation in the Kerninghan Neighborhood Plan extends too far to the west. A slight modification is required to recognize the future intended land use.

Change:

To redesignate the following site from COMMERCIAL to RESIDENTIAL.

	LOCATION	USES(S)
i)	West of Upper James Street south of Blossom Lane	proposed single family dwellings

Issue I: A number of sites (greater than 0.4 ha in site area) have been or will be developed for residential purposes within major institutional areas. Accordingly, it would be appropriate to redesignate them to reflect the land uses.

Changes:

To redesignate the following lands from MAJOR INSTITUTIONAL to RESIDENTIAL.

	LOCATION	USE(S)
i)	190 Kenora Avenue	proposed single family

		dwellings
ii)	Separate School Site (center of Templemead Neighbourhood)	proposed single family dwellings
iii)	Former Ryerson School Site (Durand)	townhouses, apartment building
iv)	West side of proposed Greenhill Avenue extension, south of Pavarotti Court (Gershome)	proposed single family dwellings
v)	North of Stone Church Road West between Upper Horning Road and Upper Paradise Road (Gurnett)	single family dwellings
vi)	North of Rymal Road West, Between Garth Street and West 5th Street	proposed single family dwellings
vii)	East of West 5th Street between Stone Church Road West and Rymal Road West (Mewburn)	proposed single family dwellings

Issue J: The location of the Separate School sites in the Jerome and Randall Neighbourhoods are not accurately reflected.

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to RESIDENTIAL:

LOCATION		USE
i)	South of Limeridge Road East East of Upper James Street	proposed single family dwellings
ii)	East of Upper Sherman Avenue between Limeridge Road East and Stone Church Road West (Randall)	single family dwellings

Issue K: On May 9, 1989, Council approved a land exchange between the Separate School Board and the City so that the proposed school site would abut Upper Paradise Road instead of being located entirely on the interior of the Falkirk East Neighbourhood (see Issue Q).

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to OPEN SPACE:

	LOCATION	USE
i)	Between Stone Church Road East and Rymal Road East east of Upper Paradise Road	Parks

Issue L: A site was designated COMMERCIAL in the old Official Plan but was inadvertently omitted when the new Official Plan was prepared.

Change:

To redesignate the following site from INDUSTRIAL to COMMERCIAL.

	LOCATION	USES(S)
i)	North of Barton Street East in the area west of Ottawa Street North	parking lot

Issue M: A number of sites which were designated for Open Space purposes are no longer intended for parks purposes but rather residential.

Changes:

To redesignate the following lands from OPEN SPACE to RESIDENTIAL.

	LOCATION	USE(S)
i)	225 Kenilworth Avenue South	proposed single family dwellings
ii)	North of Stone Church Road West, east of West 5th Street (Kerninghan)	proposed single family dwellings
iii)	South of Rymal Road East between Upper Sherman and Upper Gage Avenues (Broughton West)	uses not known at this time
iv)	East of Garth Street between Stone Church Road East and Rymal Road East (2 parcels - Sheldon)	single family dwellings

		dwellings
ii)	Separate School Site (center of Templemead Neighbourhood)	proposed single family dwellings
iii)	Former Ryerson School Site (Durand)	townhouses, apartment building
iv)	West side of proposed Greenhill Avenue extension, south of Pavarotti Court (Gershome)	proposed single family dwellings
v)	North of Stone Church Road West between Upper Horning Road and Upper Paradise Road (Gurnett)	single family dwellings
vi)	North of Rymal Road West, Between Garth Street and West 5th Street	proposed single family dwellings
vii)	East of West 5th Street between Stone Church Road West and Rymal Road West (Mewburn)	proposed single family dwellings

Issue J: The location of the Separate School sites in the Jerome and Randall Neighbourhoods are not accurately reflected.

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to RESIDENTIAL:

LOCATION		USE
i)	South of Limeridge Road East East of Upper James Street	proposed single family dwellings
ii)	East of Upper Sherman Avenue between Limeridge Road East and Stone Church Road West (Randall)	single family dwellings

Issue K: On May 9, 1989, Council approved a land exchange between the Separate School Board and the City so that the proposed school site would abut Upper Paradise Road instead of being located entirely on the interior of the Falkirk East Neighbourhood (see Issue Q).

Change: To redesignate the following lands from MAJOR INSTITUTIONAL to OPEN SPACE:

	LOCATION	USE
i)	Between Stone Church Road East and Rymal Road East east of Upper Paradise Road	Parks

Issue L: A site was designated COMMERCIAL in the old Official Plan but was inadvertently omitted when the new Official Plan was prepared.

Change:

To redesignate the following site from INDUSTRIAL to COMMERCIAL.

	LOCATION	USES(S)
i)	North of Barton Street East in the area west of Ottawa Street North	parking lot

Issue M: A number of sites which were designated for Open Space purposes are no longer intended for parks purposes but rather residential.

Changes:

To redesignate the following lands from OPEN SPACE to RESIDENTIAL.

	LOCATION	USE(S)
i)	225 Kenilworth Avenue South	proposed single family dwellings
ii)	North of Stone Church Road West, east of West 5th Street (Kerninghan)	proposed single family dwellings
iii)	South of Rymal Road East between Upper Sherman and Upper Gage Avenues (Broughton West)	uses not known at this time
iv)	East of Garth Street between Stone Church Road East and Rymal Road East (2 parcels - Sheldon)	single family dwellings

Issue N: Certain portions of Open Space designations in the Falkirk East, Sheldon, Gourley, Gurnett Neighbourhoods are inadvertently designated for Open Space when the intended land use is for residential.

Change: To redesignate the following lands from OPEN SPACE to RESIDENTIAL:

	LOCATION	USE
i)	East Side of Upper Paradise between Rymal Road East and Stone Church Road East (Falkirk East)	proposed single family dwellings
ii)	South side of Stone Church Road West, east of West 5th Street (Sheldon)	proposed single family dwellings
iii)	East of Garth Street between Limeridge Road West and Stone Church Road West, 2 parcels - (Gourley)	single family dwellings
iv)	North of Stone Church Road West, West of Upper Paradise Road (Gurnett)	single family dwellings

Issue O: A 12 acre site in the Chappel West Neighborhood has recently been identified as the City's location for a Streets Yard. Therefore, it should be redesignated to reflect the land use.

Change: To redesignate the following site from OPEN SPACE to UTILITIES.

	LOCATION	USE(S)
i)	308 Rymal Road East	City Streets Yard

Issue P: In the preparation of the Kerninghan and Randall Neighborhood Plans, it was noted that the OPEN SPACE designation in the Official Plan was too large. Accordingly, it is appropriate to amend it to more accurately reflect the future intended land use.

Change:

To redesignate the following site from OPEN SPACE to MAJOR INSTITUTIONAL.

LOCATION		USE(S)
i)	East of West 5th Street, between Stone Church Road West and Limeridge Road West (Kerninghan)	School
ii)	West of Upper Gage Avenue between Stone Church Road East and Limeridge Road East (Randall)	School

Issue Q: On May 9, 1989, Council approved a land exchange between the Separate School Board and the City so that the proposed school site would abut Upper Paradise Road instead of being located entirely on the interior of the Falkirk East Neighbourhood (see Issue K).

Change: To redesignate the following site from OPEN SPACE to MAJOR INSTITUTIONAL:

LOCATION		USE
i)	Between Stone Church Road East and Rymal Road East, East of Upper Paradise Road	School

Issue R: In accordance with an old Official Plan Amendment for the East Mountain Areas (Official Plan Amendment No. 276), a site was originally designated INDUSTRIAL. It was inadvertently designated Open Space when the Schedules to the new Official Plan were drafted. Therefore, it is appropriate to redesignate the subject lands.

Change:

To redesignate the following site from OPEN SPACE to INDUSTRIAL.

LOCATION		USE(S)
i)	South-west corner of the C.N.R. tracks and Stone Church Road East	Municipal Public Works

Issue S: Two sites were originally intended for industrial use; however, in keeping with the intentions of the 1978, Port Master Plan, the subject lands (amongst others) were designated UTILITIES in the Official Plan to permit marine transportation and related uses.

Since that time, the lands have remained in private ownership, and no interest has been shown for marine transportation or related uses. Therefore, the lands should be redesignated INDUSTRIAL to provide for development in keeping with the original intended use.

Change:

To redesignate the following lands from UTILITIES to INDUSTRIAL.

	LOCATION	USES(S)
i)	block bounded by Burlington Oliver, Wilfred Streets and Wentworth Street North	industrial, residential
ii)	block bounded by Wentworth Street North and Niagara Street north of Land Street	residential

2.3.2) Schedule "B" Changes

Issue A: Two sites in the East Mountain Industrial Park and one site in the Bayfront area were inadvertently included in Special Policy Area 11 - light industrial uses. They are designated COMMERCIAL and RESIDENTIAL respectively on Schedule "A". Clearly, they were not intended for industrial purposes.

Changes:

To remove the following lands from SPECIAL POLICY AREA 11.

	LOCATION	USE(S)
i)	Intersection of Rymal Road East and Dartnall Road	Commercial
ii)	South of the C.N.R. tracks, west of Ottawa Street North	Commercial, residential

iii)	East of Sherman Avenue North Between Barton Street East and the C.N.R. tracks	Park

Issue B: A number of sites are intended for light industrial uses and therefore it is appropriate to include them in Special Policy Area 11.

Change:

To add the following lands to SPECIAL POLICY AREA 11.

LOCATION		USE(S)
i)	north of Rymal Road East in the area west of Dartnall Road	cemetery, vacant commercial, industrial
ii)	north of Barton Street East between Gage Avenue North and Ottawa Street North	commercial, gas station
iii)	block bounded by Burlington Oliver, Wilfred Streets and Wentworth Street North	industrial, residential
iv)	block bounded by Wentworth Street North and Niagara Street, north of Land Street	residential

- **Schedule "C"**

No Changes

- **Schedule "D" Changes**

Issue A: The subject lands have been developed for single family dwellings and a proposed commercial plaza. Furthermore, on October 29, 1985, City Council waived the requirement for an Environmental Impact Statement for the lands within the Environmentally Sensitive Area No.4 Red Hill Creek - Kings Forest. Therefore, they should be removed from the ESA map.

Change:

To delete the following lands from the ENVIRONMENTALLY SENSITIVE AREAS designation.

LOCATION		USE(S)
i)	South of King Street East, west of Greenhill Avenue	single family dwellings, commercial

- **Schedule "F"**

  No Changes

- **Schedule "G"**

  No Changes

- **Schedule "H"**

  No Changes

NOTE: Due to the size of the Schedule "A", it has not been included in this report but it is available for viewing at the Planning and Development Department.

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J.H-E:ND

C51P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 November 21

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1989 October 11th and Tuesday, 1989 October 31st.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 November 15th.

Yours very truly,

Susan K. Reeder

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:mc
Attch.
c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, 1989 October 11
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman B. Hinkley
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross

Regrets: Alderman D. Christopherson - Vacation
Alderman H. Merling - Vacation

Also present: Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mrs. C. Floroff, Planning Department
Mr. D. Godley, Planning Department
Mrs. N. Chapple, Architectural Historian, L.A.C.A.C., Planning Department
Mr. A. Georgieff, Planning Department
Mr. D. Heintz, Public Works Department
Mr. H. Reinhold, Public Works Department
Ms. J. McNeilly, Community Development Department
Mr. J. Avery, Purchasing Department
Mr. D. Pickard, Building Department
Ms. L. Lawrence, City Solicitor's Office
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1989 September 13 (afternoon); 1989 Septembe 13 (evening); 1989 September 26.

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 September 13 (afternoon), Wednesday, 1989 September 13 (evening), and Tuesday, 1989 September 26. The Committee **APPROVED** these minutes.

Demolition Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 3 respecting Demolition Permit Applications.

The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

(a) 196 Main Street East
(b) 272 Limeridge Road East
(c) 106 Canada Street
(d) 108 Canada Street
(e) 407 Lake Avenue North
(f) 1500 Upper James Street
(g) 1150 West 5th
(h) 1073 Rymal Road East
(i) 1081 Rymal Road East
(j) 1085 Rymal Road East

NOTE: Alderman Kiss opposed to Section C and Section D of this recommendation.

By-law Appointing Plumbing Inspectors

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 September 26, respecting By-law Appointing Plumbing Inspectors.

The Committee **APPROVED** the following:

That By-law 82-133, as amended, **BE FURTHER AMENDED** by rescinding Schedule "A" to said By-law and approving a new Schedule "A" appointing the inspectors listed below, and the City Solicitor be instructed to prepare the amending By-law.

(a) Albert Riley
(b) Laverne Carron
(c) Jack Lethbridge
(d) Jim Connors
(e) Irwin Schwartz
(f) Ray Wood
(g) Oresto Difonte
(h) Phil Chabot
(i) Robert Felker
(j) Jim Duffy
(k) Richard Podolsky
(l) Konrad Brenner
(m) Jim Manta
(n) Gord McCallum
(o) George Clarke
(p) Rick Guyatt
(q) Harold Hummel
(r) Jim McDonald

NOTE: The City of Hamilton by adopting certain by-laws has established that Regional employees inspect sewer and water services between a building and the property line. This has been in effect since 1975 January 1. The employees carrying out this work have to be appointed as plumbing inspectors which was done in By-law 82-133. Since that time staff changes have taken place and, therefore, it is necessary to update the Schedule "A" to the 1982 by-law naming the individuals.

The recommended By-law does not alter any jurisdiction or work load, but is simply a housekeeping amendment to avoid a person challenging the employee's carrying out their duties.

Cash-in-lieu of Parkland - Randall Estates - Phase 6.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 September 20, respecting Cash Payment In Lieu of 5% Parkland Dedication for "Randall Estates - Phase 6".

The Committee **APPROVED** the following:

That the City of Hamilton **ACCEPT** the sum of $11,050. as cash payment in lieu of 5% dedication in connection with Randall Estates - Phase 6 Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located east of Upper Sherman Avenue and north of Stone Church Road East, in the Randall Neighbourhood, Hamilton.

Comprehensive Audit Report - Community Development Department.

The Committee was in receipt of a copy of the Comprehensive Audit Report conducted on the Department of Community Development dated 1988 December.

The Committee was also in receipt of an Added Response Report to the Comprehensive Audit Report from the Director of Community Development dated 1989 July 13.

The Committee agreed to **TABLE** this matter until the next meeting in order that they could have an opportunity to thoroughly review the Director of Community Development's response to the Comprehensive Audit Report.

Fabricate and Deliver [illegible]ty (90) Refuse [illegible]ainers, Phase IV, Downtown Action Plan

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 October 6, respecting Fabricate and Deliver Ninety (90) Refuse Containers, Phase IV, Downtown Action Plan.

The Committee was also in receipt of an Information Report from the Director of Public Works in a revised report distributed at the meeting dated 1989 October 10, respecting these garbage containers.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1989 October 6, respecting these refuse containers.

Mr. Reinhold, Public Works Department outlined this design. Mr. Reinhold was responsible for the design of these refuse containers.

Ms. J. McNeilly of the Community Development Department and Mr. D. Heintz of the Public Works Department also spoke to this issue.

General discussion then ensued on this matter by the Committee and the Committee **APPROVED** the following:

That a purchase order **BE ISSUED** to Lindsay Steel Fabricating Ltd., Lindsay, in the amount of $62,052. for the fabricating and delivery of Ninety (90) Refuse Containers, Phase IV Downtown Action Plan in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Phase IV Downtown Action Plan Account #CF5200 428803003.

The Committee also **AGREED** that this project should be reviewed in six months time to evaluate the cost, effectiveness, maintenance operation, etc. of this type of refuse collection. It was also **AGREED** that no other areas should be provided with this equipment before that time.

Alderman Smith also requested that the design be altered slightly in order that holes could be placed in the sides for ventilation should a person be placed in them accidentally or as a joke.

Proposed renaming of a part of Cannon St. West from Bay Street westerly to the inte section with York Bl and Queen St. North.

The Committee was in receipt of a report forwarded to them from the Secretary of the Committee from the Commissioner of Planning and Development dated 1989 September 30, respecting Proposed Renaming of a part of Cannon Street West from Bay Street westerly to the intersection with York Boulevard and Queen Street North. This report **HAD BEEN TABLED** at the 1989 September 27 meeting, in order that Alderman McCulloch could be in attendance to speak to this matter.

Alderman McCulloch spoke to the Committee and explained the particular area where this small portion of Cannon Street is located.

The Committee then **APPROVED** the following:

That the Planning and Development Department be requested to solicit comments from owners of properties located on Cannon Street West, on that portion between Bay Street North and the intersection of York Boulevard and Queen Street North, respecting a requested street renaming to "Cannon Boulevard".

Proposed Amendment 58/89 to the Niagara Escarpment Plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 2, respecting proposed Amendment 58/89 to the Niagara Escarpment Plan.

The Committee **APPROVED** the following:

(a) That the Council of the Regional Municipality of Hamilton-Wentworth **BE ADVISED** that the City of Hamilton does not object to proposed Amendment 58/89 to the Niagara Escarpment Plan and that the modifications outlined in the report of the Commissioner of Planning and Development dated 1989 October 2nd, be considered for introduction to the proposed Amendment; and,

(b) That the City Clerk **BE DIRECTED** to inform the Council of the Regional Municipality of Hamilton-Wentworth regarding (a) above and forward a copy of this Report to the Region.

NOTE: The Niagara Escarpment Commission has requested the City to submit comments to the Region of Hamilton-Wentworth on proposed Amendment 58/89 to the Niagara Escarpment Plan. The Amendment is intended to expand the Heritage Policies of the Niagara Escarpment Plan.

Copies of the Report of the Commissioner of Planning and Development are available from the Committee Secretary upon request.

With respect to this particular item, Alderman Smith requested that L.A.C.A.C. look at waterfalls along the Niagara Escarpment with a view to designating them for their historic value.

Proposed Amendment No. 23 to the Official Plan of The City of Stoney Creek.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 25, respecting proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

The Committee **APPROVED** the following:

(a) That the Regional Municipality of Hamilton-Wentworth **BE NOTIFIED** that the City of Hamilton endorses proposed Official Plan Amendment No. 23 to the City of Stoney Creek except for the proposed modifications outlined in the report of the Commissioner of Planning and Development dated 1989 September 23.

(b) That the Region **BE REQUESTED** to initiate meetings between the Cities of Hamilton and Stoney Creek to discuss the proposed modifications; and,

(c) That the City Clerk **BE DIRECTED** to inform the Regional Municipality of Hamilton-Wentworth regarding (a) and (b) above and forward a copy of the Report of the Commissioner of Planning and Development to the Region.

NOTE: The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to introduce a new Secondary Plan for a portion of the West Mountain Planning District, known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan.

Copies of the Report of the Commissioner of Planning and Development are available from the Committee Secretary upon request.

With respect to this matter, Alderman McCulloch requested that the Bruce Trail Association be kept in mind when the areas are linked so as not to disrupt the Trail. Mr. Godley of the Planning Department advised that this is occurring and Mr. Abraham also advised that the ongoing items with respect to this matter will be brought to the Planning and Development Committee.

Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 6, respecting Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee was also in receipt of Appendix "A", respecting the proposed Work Program.

Mrs. Carolyn Floroff of the Planning Department outlined this report and the Work Program with respect to the Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

The Committee **AGREED** that funding of 100% of the cost be requested from the Province, as well as Provincial lands being identified for construction of affordable housing.

The Committee then **APPROVED** the following amended resolution:

(a) That the "Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing: **BE APPROVED**; and,

(b) That the Planning and Development Department 1990 Work Program and Budget **MAKE** appropriate allocations to undertake implementation of the above noted Provincial Policy Statement; and,

(c) That the Planning and Development Department **BE DIRECTED** to make application to the Province for 100% grant funding to undertake the above noted implementation project by submitting Council's resolution of approval and the Work Program.

(d) That the Planning and Development Department **BE DIRECTED** to identify Provincially owned land in the City of Hamilton and encourage the Province to develop these lands by building affordable housing.

NOTE: The Provincial Policy Statement on Land Use Planning for Housing requires Council's approval of a work program by 1989 November 1, which will detail how the municipality intends to implement the Policy Statement through amending the Official Plan and Zoning By-law; streamlining the development approval process; and establishing a monitoring process to ensure the Statements realization.

Copies of the Work Program are available from the Committee Secretary upon request.

Reduction of Quorum for L.A.C.A.C.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 5, respecting Reduction of Quorum for L.A.C.A.C.

The Committee **APPROVED** the following:

That notwithstanding Section 33(3) of the City of Hamilton Procedural By-law No. 82-203, the quorum for the Local Architectural Conservation Advisory Committee **BE REDUCED** from six (6) members (constituting a majority) to five (5) members.

Proposed Business Sign - 712 Main Street East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Proposed Business Sign - 712 Main Street East.

The Committee **APPROVED** the following:

That **APPROVAL** be given to the owner's request for a change in commercial signage to (5' x 5') from (4' x 6') for the sign to be erected in front of 712 Main Street East, a property included in the St. Clair Heritage Conservation District.

NOTE: City Council at its meeting held 1989 August 29 gave approval for a proposed business sign for Jag Realty Inc., to be erected by the new owner of the commercial property at 712 Main Street East, in the St. Clair Heritage District and that this sign not exceed 6' x 4' in dimensions.

The owner of this property has subsequently decided on a signage size of 5' x 5' and requests approval for the size change of the sign.

Heritage Permit - Pigott Building Lobby.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 4, respecting Heritage Permit - Pigott Building Lobby.

The Architectural Historian for L.A.C.A.C. spoke to this matter and requested an amendment to the resolution which would require that any fixtures which cannot be moved be replaced rather than painted.

The Committee then **APPROVED** the following amended resolution:

(a) That a Heritage Permit **BE APPROVED** for the alterations to the Pigott Building lobby required for fire safety purposes under the Building Code; and

(b) That the owners **BE REQUESTED** to move the red fire alarm bell, if permitted, from the ceiling which is now under restoration and to ensure that those required fixtures which cannot be moved be replaced by ones matching in colour to the ceiling.

Designation - 72-74 George Street.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Designation of 72-74 George Street.

The Committee **APPROVED** the following:

(a) That **APPROVAL** be given to the "Intent to Designate" 72-74 George Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked **Appendix "A"**.

(b) That the City Solicitor **BE AUTHORIZED** and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Designation - James Street Baptist Church, 96 James Street South.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1989 October 3, respecting Designation of James Street Baptist Church, 96 James Street South.

The Committee **APPROVED** the following:

(a) That **APPROVAL** be given to the "Intent to Designate" James Street Baptist Church at 96 James Street South as property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation, attached herewith and marked **Appendix "B"**.

(b) That the City Solicitor **BE AUTHORIZED** and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Heritage Permit - Sign canopies - Sun Life Building - 64 James Street South.

The Committee was in receipt of an added report from the Director of Local Planning dated 1989 October 5, respecting Heritage Permit for sign canopies - Sun Life Building, 64 James Street South.

The Committee **APPROVED** the following:

That a Heritage Permit **BE APPROVED** for three traditional awning style sign canopies to be installed over the front entrance and two windows of the restaurant (Ruffage Restaurant) on the ground floor of the Sun Life Building.

Zoning Applications.

The Committee then adjourned into the City Hall Council Chambers to hear Zoning Applications.

ZA 89-22 - 1514-1530 Upper James Street.
ZA 89-23 - 1508 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 4, respecting Zoning Application 89-22, for property located at 1514-1530 Upper James Street. The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1989 October 5, respecting Zoning Application 89-23, for property at 1508 Upper James Street.

Alderman Ross, Ward Alderman for these applications spoke to these applications and asked that both items be tabled until no later than 1990 January, in order that he can have an opportunity to view site plans for both and review both applications.

The Committee then agreed to **TABLE** Zoning Application 89-22 and Zoning Application 89-23.

ZA 89-71 - 57 Rymal Road West.

The Committee was in receipt of a report from the Commissioner of Planing and Development dated 1989 October 3, respecting Zoning Application 89-71, for property at 57 Rymal Road West.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-71, Angelina Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at 57 Rymal Road West, as shown on the attached map marked as **Appendix "C"**, on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) That a minimum of 3.0m wide landscaped planting strip and a visual barrier of not less than 1.2m and not more than 2.0m in height shall be provided and maintained along the entire southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1145;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 57 Rymal Road West.

The effect of the By-law is to permit future commercial development for the subject property.

ZA 89-52 - 1036 Upper Wentwort Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 4, respecting Zoning Application 89-52, for property at 1036 Upper Wentworth Street.

The Committee **APPROVED** the following:

That APPROVAL be given to Zoning Application 89-52, Duncan Beattie Insurance Agency Ltd., owner, requesting a further modification to "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, to permit the construction of a new two storey building containing an insurance office on the first floor and an apartment unit on the second floor, for the property located at 1036 Upper Wentworth Street, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law 81-305 and By-law 83-83, applicable to the subject lands, be further amended on the following basis:

(i) That By-law 83-83 be repealed in its entirety.

(ii) That By-law 81-305 be amended as follows:

(1.) By deleting the words "within the existing building" from Section 2.(a)(i)1; and,

(2.) By adding the following new use as Section 2.(a)(iii);

"(iii) Residential Use:

1. One dwelling unit above the permitted commercial use".

(iii) That notwithstanding Section 14A(3)(a), a front yard having a depth of at least 1.0m shall be provided and maintained.

(iv) That Section 14A(3)(b) shall not apply to the northerly side yard.

(v) That a minimum 3.5m wide access driveway shall be provided and maintained adjacent to the northerly side lot line.

(vi) That notwithstanding Section 14A(4), a minimum lot area of 263m^2 shall be provided and maintained.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-768b, and the subject lands on Zoning District Map E-18A be noted S-768b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, for the property located at 1036 Upper Wentworth Street.

The effect of this By-law is to permit the construction of a new two storey building, containing an insurance office on the first floor and an apartment unit on the second floor.

In addition the By-law provides for the following variances:

(a) To provide a minimum lot area of 263m^2 whereas, 360m^2 is required;

(b) To provide a minimum front yard of 1.0m instead of the required 12m;

(c) To exempt the development from providing a northerly side yard; and

(d) To provide a minimum 3.5m wide access driveway adjacent to the northerly side lot line, whereas a minimum 6.0m wide access is required.

ZA 89-59 - 140 Oak Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-59, for property at 140 Oak Avenue.

The Committee **APPROVED** the following:

(A) That **APPROVAL** be given to Zoning Application 89-59, Munro Metal Products Ltd., prospective owner, requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit the production of ductwork and fittings into the existing building, for the property located at 140 Oak Avenue, as shown on the attached map marked as **Appendix "E"**, on the following basis:

(a) That the "H" (Community and Shopping, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 14(1), sheet metal duct and fittings manufacturing shall be permitted;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1146, and that the subject lands on Zoning District Map E-12 be notated S-1146;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council:

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law **NOT BE PASSED** by City Council until such time as the applicant enters into an encroachment agreement with the City for the existing building.

NOTE: The purpose of this by-law is to provide for a modification to the "H" (Community Shopping and Commercial, etc.) District, for the property located at 140 Oak Avenue.

The effect of this by-law is to permit the relocation of the production facilities of the metal duct and fittings manufacturer from its present location at 154 Oak Avenue to 140 Oak Avenue.

ZA 89-62 - 43, 45 and 47 Caroline Stre North and 57 Napier Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-62, for property at 43, 45 and 47 Caroline Street North and 57 Napier Street.

The Committee **APPROVED** the following:

(A) That **APPROVAL** be given to Zoning Application 89-62, 819814 Ontario Inc., owner, requesting a modification to the existing "E-3" (High Density Multiple Dwellings) District, to permit the temporary use of the existing lands as a parking lot for a three year period, for property located at 43, 45 and 47 Caroline Street North and 57 Napier Street, as shown on the attached map marked as **Appendix "F"**, on the following basis:

(a) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be further modified in accordance with Section 38 of The Planning Act, R.S.O. 1983, to permit the temporary use of the lands as a parking lot for a maximum period of three years;

(b) That a minimum 1.5m (4.9 feet) wide planting strip shall be provided and maintained along all lot lines, except for any area used for an access driveway;

(c) That a visual barrier of not less than 1.2m (3.94 feet) and not more than 2.0m (6.56 feet) in height shall be provided and maintained along the westerly and southerly lot lines;

(d) That the provisions of Section 18A(30) of Zoning By-law No. 6593 shall apply;

(e) That the provisions of Section 18A(24)(b) of Zoning By-law No. 6593 shall apply;

(f) That the provisions of Section 18A(26) of Zoning By-law No. 6593 shall apply;

(g) That the provisions of Section 13C(1) of Zoning By-law No. 6593 shall apply;

(h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1147, and that the subject lands on Zoning District Map W-4 be notated S-1147;

(i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,

(j) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law **NOT BE FORWARDED** for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the proposed By-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District regulations for properties located at 43, 45, and 47 Caroline Street and 57 Napier Street.

The effect of the By-law is to permit the temporary use of the lands as a parking lot for a three year period.

In addition, the By-law provides for:

(a) A minimum 1.5m (4.9 feet) wide planting strip along all lot lines, except for any area used for an access driveway;

(b) A visual barrier of not less than 1.2m (3.94 feet) and not more than 2.0m (6.56 feet) in height along the westerly and southerly lot lines;

(c) Grading, drainage, and paving of the lands;

(d) The parking lot to be property marked in terms of parking spots and to have bumpers;

(e) The access/egress driveways shall be a minimum of 3.0m (9.85 feet) from the adjoining residential properties; and,

(f) The attendant's shelter and directional sign.

ZA 89-64 - 6 Olmstead Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-64, for property at 6 Olmstead Street.

Report of the circularization was given as follows:

482 notices sent 30 in favour 25 opposed

The owner of property at 87 Carling Street was in attendance speaking on behalf of her mother who lives at 34 Olmstead Street. She advised that they are opposed to this application and is concerned at the over density with apartment buildings now and the impact that an additional apartment building would have on the limited sunlight now available to that area.

Mr. Paul Daniel, Developer and Mr. Delegotto, of the Developer's office spoke on this matter and asked why Olmstead Street has not been extended.

Mr. R. Brenner of the Regional Engineering Department advised that the grading is too steep for vehicular access and therefore an extension to Olmstead has never been done. He added that Olmstead could possibly have a bicycle path or a pedestrian traffic path.

The Developers then spoke on the existing buildings in the area and spoke on the proposed project and why this application should be approved. The Developer also circulated pictures of the area and a sketch of the proposed development.

The Committee then discussed this matter and agreed to **TABLE** this application in order that the proposed site plans can be submitted to staff and that discussion can be held with the applicant and staff on a more acceptable plan.

ZA 89-69 - 167 Hunter Street East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3, respecting Zoning Application 89-69, for property at 167 Hunter Street East.

Alderman McCulloch requested that the wall sign approval be deleted and members of the Committee **AGREED** to this. Discussion also ensued on the historic aspects of the building and L.A.C.A.C.'s recommendation with respect to this matter.

The Committee then **APPROVED** the following amended resolution:

That **APPROVAL** be given to Zoning Application 89-69, Center Gate Properties Ltd., owner, requesting a further modification to the "E-3" (High Density Multiple Dwellings) District, to permit professional offices (excluding medical offices) within the existing building, for the property located at 167 Hunter Street East, as shown on the attached map marked as **Appendix** "G", on the following basis:

Tuesday, 1989 October 31
7:15 o'clock p.m.
Room 233, City Hall

A Special Meeting of the Planning and Development Committee was held to review the request for the removal of the 'H' (Holding) Symbol for 1400 Upper James Street and the issuance of a demolition permit for 1423 Upper Gage Avenue.

Attendance

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo. Vice-Chairman
Mayor R. Morrow
Alderman M. Kiss
Alderman D. Christopherson
Alderman H. Merling
Alderman D. Ross
Alderman W. McCulloch
Alderman B. Hinkley

Also present: Mr. L. Sage, Chief Administrative Officer
Mr. A. Georgieff, Director of Local Planning
Mr. L. King, Building Commissioner
Ms. L. Lawrence, City Solicitor's Department
Ms. C. Coutts, Acting Secretary

Removal of 'H' Symbol for 1400 Upper James Street

The Committee was in receipt of a report dated 1989 October 19 from the Commissioner of the Planning and Development Department respecting the request for the removal of the 'H' (Holding) Symbol for 1400 Upper James Street.

The Committee approved the following:

> That approval be given to Zoning Application 89-100, Bayfield Green Development Ltd., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 34(1) of the Planning Act, and that the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 1400 Upper James Street, as shown on the attached map marked as APPENDIX "A".

Demolition Permit for 14 Upper Gage Avenue

The Committee was in receipt of a report dated 1989 October 25 from the Building Commissioner respecting the issuance of a demolition permit for 1423 Upper Gage Avenue.

The Committee approved the following:

> That the Building Commissioner be authorized to issue a demolition permit for the following property:
>
> a) 1423 Upper Gage Avenue

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved

Alderman J. Smith, Chairman
Planning and Development Committee

C.J. Coutts, Acting Secretary

CA4ONHBL-A05
C5184

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 November 23rd

N O T I C E O F M E E T I N G

Planning and Development Committee
Wednesday, 1989 November 29th
1:30 o'clock p.m.
Room 233, City Hall

Susan K. Reeder.

Susan K. Reeder
Secretary

SKR:mc

ZONING APPLICATIONS WILL BE HEARD IN
THE COUNCIL CHAMBERS AT 3:00 O'CLOCK P.M.

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 November 1st

BUILDING COMMISSIONER

2. Demolition Permit Applications

3. By-law 80-245 as amended by By-law 88-09 respecting land drainage

DIRECTOR OF COMMUNITY DEVELOPMENT

4. Commercial Facade Loan Programme Application - 314 James Street North

5. Departmental Comments - Comprehensive Audit Report, Community Development Department, Community Renewal and Housing Loans Sections.

   (a) Comprehensive Audit Report ,

   (b) Response to Comprehensive Audit - Director of Community Development

DIRECTOR OF PROPERTY

6. Capital Projects for 1990 - 1994

7. Extension of Closing Date - City Sale to Mercanti Management Inc. - North half of Part 1, All Part 5, 62R-8770 - Upper Ottawa Street.

COMMISSIONER OF REGIONAL ENGINEERING

8. Cash payments in lieu of 5% parkland dedication

   (a) "Cantelmi Court"

   (b) "Kingsberry Gardens - Phase 4"

DIRECTOR OF LOCAL PLANNING

9. Residential Enclave Acquisition

10. Site Plan Control Application DA-89-72 - 66 Ewen Road (If required)

11. Proposed Draft Plans of Subdivision

   (a) "Eastgate Heights Extension"

   (b) "Rymal Industrial Estates"

   (c) "Abbey Hill Farm - Phase 2"

12. Proposed Revision to a Draft Approved Plan of Subdivision "Wellington Chase - Phase 2"

13. Tiffany Block

14. Acquisition of computer graphics workstation for the Planning and Development Department

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

15. Delay of Demolition - 65 Markland Street

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 O'CLOCK P.M.

16. Zoning Application 89-28,J. Zaborsky, owner, for a change in zoning from "AA" to "C" for land on the west side of Annabelle Street in the area north of Stone Church Road West; Gourley Neighbourhood.

17. Zoning Application 89-70, Elia Investments (Hamilton) Ltd., owner, for a modification to the "R-4" District regulations for properties at 718 and 720 Stone Church Road East; Eleanor Neighbourhood.

18. Zoning Application 89-85, 814904 Ontario Inc. (O. Zendel), owner, for a change in zoning from "G-3" to "HH" modified for property at the rear of 1171 Upper James Street; Jerome Neighbourhood.

3:15 O'CLOCK P.M.

19. Zoning Application 89-93, H. and S. Joldersma, owners, for a change in zoning from "B" to "C" for property at the rear of 311 Rymal Road East; Barnstown Neighbourhood.

20. Zoning Application 89-77, 766284 Ontario Limited; (F. Kumoi) owner, for a change in zoning from "AA" and "G-3" to "E" modified for lands in the north of Queenston Road and west of Grays Road; Riverdale East Neighbourhood.

3:30 o'clock p.m.

21. Zoning Application 89-81, St. Marks (Hamilton) Non-Profit Housing Inc., prospective owner, for a modification to the "E-3" District regulations for property at 130 Bay Street South; Durand Neighbourhood.

Letters of Submission

(a) Robert S. Johnston, Q.C., 20 Hughson Street South

(b) Durand Neighbourhood Association Inc.

(c) Marie Stock, 412 - 121 Hunter Street West

22. Other Business.

23. Adjournment.

Wednesday, 1989 November 1
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman B. Hinkley
Alderman D. Christopherson
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross

Also present: Alderman G. Copps
Alderman J. Gallagher
Mr. A. Georgieff, Planning Department
Mr. D. Godley, Planning Department
Mr. D. Pickard, Building Department
Mr. W. Wong, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Ms. J. McNeilly, Community Development Department
Mr. E. Kowalski, Director of Community Development
Mr. J. Robinson, Community Development
Mr. V. Matus, Planning Department
Mr. B. Allick, Building Department
Mr. M. Cornell, Planning Department
Mr. P. Mallard, Planning Department
Mr. G. Groppler, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1989 September 27

The Committee was in receipt of the minutes of their meeting held Wednesday 1989 September 27 and **APPROVED** these minutes.

Demolition Permit Applications

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 25 respecting demolition permit applications.

Alderman Merling requested information on who the principles (owners) are for property at 69 Rymal Road East and 75 Rymal Road East since the owner is shown as 779501 Ontario Limited. Alderman Merling also requested information on the intended use for property at 227 Stone Church Road East.

The Committee then APPROVED the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits to the following properties:

(a) 8 McKinstry
(b) 223 Ferrie Street East
(c) 1780 Main Street West
(d) 1790 Main Street West
(e) 1796 Main Street West
(f) 1808 Main Street West
(g) 695 Rymal Road East

It was agreed that the demolition permit applications for property at 69 Rymal Road East, 75 Rymal Road East and 227 Stone Church Road East would BE TABLED in order that the Building Commissioner could provide Alderman Merling with the information he requested. The Committee also agreed that if Alderman Merling is satisfied with this information, that the three properties could be processed to City Council.

Computer Work Stations in the Building Department

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 27 respecting provision of computer work stations in the Building Department.

The Committee APPROVED the following:

(a) That the Building Department, in conjunction with Information Systems, BE AUTHORIZED to obtain 15 additional computer workstations.

(b) That the estimated leasing cost of $2,250. for a possible one month in 1989 BE FUNDED from overall savings in the Building Department in the salary accounts due to delayed hiring.

(c) That the estimated annual leasing costs of $27,000. BE PLACED in the 1990 budget of the Building Department and an equal offsetting amount be shown as a reduction to staffing costs accounts or other accounts where a saving can be demonstrated due to productivity improvements.

NOTE: No additional funds are requested for 1989 due to a savings in the Building Department's accounts.

The annualized costs of this equipment will be provided by reducing the 1990 budget request for staffing costs or other cost savings due to productivity improvements by at least as much as the equipment lease costs for the year.

1990-1994 Capital Budget - Central/ Beasley P.R.I.D.E.

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 20 respecting 1990 - 1994 Capital Budget - Central/Beasley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.).

The Committee APPROVED the following:

That provision be made in the 1990 - 1994 Capital Budget for the implementation of P.R.I.D.E. in the Central/Beasley Neighbourhood at a gross cost of $800,000. ($400,000. Municipal, $400,000. Provincial).

NOTE: The maximum Provincial allotment is $400,000. which must be matched by a Municipal Commitment of $400,000. giving a total project cost of $800,000. over the next three years.

1990-1994 Capital Budget Residential Conversion Loan Programme for Barton Street

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 19 respecting 1990 -1994 Capital Budget - Residential Conversion Loan Programme for Barton Street.

The Committee APPROVED the following:

That the Department of Community Development be authorized to include the 1990 - 1994 Capital Budget, an amount of $800,000. for the Implementation of a Residential Conversion Loan Programme for Barton Street.

Kirkendall - Strathcona N.I.P. - Wesley Urban Ministries

The Committee was in receipt of an Information Report from the Director of Community Development dated 1989 October 25 respecting Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.), Wesley Urban Ministries, provision of services as outlined in the agreement with the City of Hamilton.

The Committee agreed TO RECEIVE the above noted Information Report and further that the Community Development Department be directed to advise the Wesley Urban Ministries of the Committee's receipt of this information. The Committee also specified that Ms. Bolton, Executive Director for Wesley Urban Ministries, be advised that any specific requests for action would require a specific application with regard to their request.

Wall Mural Program within B.I.A.'s, Commercial Improvement Program

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 26 respecting Wall Mural Program within Business Improvement Areas (B.I.A.), Commercial Improvement Program.

The Committee APPROVED the following:

(a) That funds BE MADE AVAILABLE from the Commercial Improvement Programme to assist with the implementation of a wall mural program in all of the B.I.A.'s; and,

(b) That 50% of the costs BE COVERED under the Commercial Improvement Programme to a maximum of five thousand dollars ($5,000.) for each mural; and,

(c) That the remaining 50% BE FUNDED by the B.I.A. or its corporate sponsors, the property owner and/or the Commercial Facade Loan Programme if a property owner is eligible for funding.

NOTE: Each mural application will be eligible for matching funding through the Commercial Improvement Programme to a maximum of five thousand dollars ($5,000.). Also, the remaining 50% will be eligible under the terms and conditions of the Commercial Facade Loan Programme if the property owner wishes to make application.

Computer Work Stations in the Department of Community Development

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 26 respecting provision of Computer Work Stations in the Department of Community Development.

The Committee APPROVED the following:

(a) That the Community Development Department, in conjunction with Information Systems, BE AUTHORIZED to obtain two (2) additional computer workstations;

(b) That the estimated leasing cost of $300. for a possible one month in 1989 BE FUNDED from overall savings in the Community Development Department in the salary 51000 40001 accounts due to not filling temporary help.

(c) That the estimated annual leasing costs of $3,600. BE PLACED in the 1990 budget of the Community Development Department and an equal offsetting amount be shown as a reduction to staffing costs accounts.

NOTE: No additional funds are requested for 1989 due to a savings in the Department's accounts.

The annualized costs of this equipment will be provided by reducing the 1990 budget for staffing costs, or other cost savings due to productivity improvements, by as much as the equipment lease costs for the year.

1990-1994 Capital Budget - Central/ Beasley Special Initiative to Support Housing Intensification

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 27 respecting 1990 -1994 Capital Budget - Central/Beasley Special Initiative to Support Housing Intensification.

The Committee APPROVED the following:

That provision be made in 1990 -1994 Capital Budget for the implementation of the P.R.I.D.E., Special Initiative to Support Housing Intensification Programme in the Central/Beasley Neighbourhoods, at a gross cost of $2,000,000. (50% Provincial, 50% Municipal).

NOTE: The maximum Provincial allocation is $1,000,000., giving a total project cost of $2,000,000. Financing will not be requested until an allocation has been awarded to the City of Hamilton by the Ministry of Municipal Affairs.

Cash in lieu of Parkland - Wentwal Estates

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 October 23 respecting cash payment in lieu of 5% parkland dedication - Wentwal Estates.

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of $16,770. as cash payment in lieu of 5% dedication in connection with "Wentwal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Wentworth Street and north of Rymal Road in the Barnstown Neighbourhood, Hamilton.

Treatment of Blank Walls in the Downtown Action Plan Area

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 25 respecting treatment of blank walls in the Downtown Action Plan Area and APPROVED the following:

That the Planning and Development Department be requested to include in their Terms of Reference for "The Review of Buffering to Parking Lots" a means of addressing the aesthetics of blank walls created by building demolitions in the Downtown Action Plan Area.

Comprehensive Audit - Community Development Department

The Committee was in receipt of a memorandum from the Secretary of Finance Committee dated 1989 September 22 respecting the Comprehensive Audit on the Community Development Department.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1989 July 13 respecting the Director's comments on this Comprehensive Audit Report.

Considerable discussion ensued on the Comprehensive Audit Report as well as the comments on the report by the Director of Community Development.

The Committee then APPROVED the following:

That this matter respecting the Comprehensive Audit Report on the Department of Community Development BE TABLED in order that the Director of Community Development can report back to the Planning and Development Committee with a report on how the Comprehensive Audit Report and its suggestions could be implemented.

NOTE: It was also agreed that the Municipal Non-Profit Housing Corporation should report directly to the Finance Committee with respect to their recommendations on how the Comprehensive Audit Report and its suggestions could be implemented.

Tiffany Block

Alderman McCulloch spoke on the Tiffany Block and Mr. M. Cupido of Cupido Realty was in attendance at the meeting. Alderman McCulloch requested that a Public Meeting on the Neighbourhood Plan for this area be held as quickly as possible. Alderman McCulloch indicated to the Committee that Mr. Cupido has a Conditional Offer to purchase these lands which is renewable the end of the year. Mr. Cupido needs to have some idea from the City on whether he can proceed with his proposal to build affordable homes on these lands.

Accordingly, the Committee approved that a Public Meeting on the Neighbourhood Plan be held as quickly as possible.

Social Services comments - 10 Herkimer Street

The Committee was in receipt of a report addressed to Alderman Christopherson from the Commissioner of Social Services dated 1989 October 12 respecting the staff comments from the Social Services Department contained in a Zoning Application for property at 10 Herkimer Street.

The Report advised that the comments made "The Durand Neighbourhood Association strongly suggests that they be asked for comments regarding this expansion plan" were inappropriate from a Social Services prospective and that in future such comments will be made to the appropriate Departmental Planning and Development staff.

Accordingly the Committee agreed TO RECEIVE this Information Memorandum.

Terms of Office - Committee of Adjustment - Alderman Merling, Alderman Lombardo

The Committee was in receipt of a report from the Co-ordinator of the Committee of Adjustment dated 1989 October 24 respecting the terms of offices serving on the Committee of Adjustment for Alderman H. Merling and Alderman F. Lombardo.

The Committee APPROVED the following:

That Alderman H. Merling and Alderman F. Lombardo BE APPOINTED to serve on the Committee of Adjustment for a one year term expiring on 1990 November 30.

Comments - Business Land Use Advisory Board - 286 Sanford Avenue North

The Committee was in receipt of a memorandum from the Chairman of the Business Land Use Advisory Board dated 1989 October 4 respecting the Business Land Use Advisory Board for comments on Zoning Application 89-55 for property at 286 Sanford Avenue North.

The Committee agreed TO RECEIVE this letter of comment.

Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 23 respecting Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan.

The Committee APPROVED the following:

(a) That the Regional Municipality of Hamilton-Wentworth BE NOTIFIED that Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton; and,

(b) That the City Clerk BE DIRECTED to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan. The purpose of the proposed Amendment is to allow the sale of motor vehicles on a 0.718 hectare (1.775 acre) site, located on the north-east corner of Twenty Road East and Highway No. 6 in the Township of Glanbrook.

Main Street West Entrance

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 10 respecting opportunities for the improvement on Main Street West between the Main Street West exit on Hwy. 403 and Queen Street.

Mr. V. Matus of the Planning Department outlined the report with respect to the Main Street West gateway concept.

The Committee then approved the following:

(a) That the Main Street West concept contained in the Planning and Development Department Report entitled "City Entrance - Main Street West", BE ACCEPTED, and;

(b) That the Planning and Development Department INCLUDES in its 1990 Work Program, Land Use and Neighbourhood Planning studies of the Main Street West corridor and the adjacent areas, and;

(c) That Main Street West, from the East side of Locke Street to the west side of Queen Street, become the first phase of the implementation schedule since the Community Development Department has already established a Business Improvement Area (B.I.A.) on this section of Main Street West, and;

(d) That the Planning and Development Department BE DIRECTED to study:

(i) "Opportunities for improvement of the visual environment of Hwy. 403 from the City limits to the Main Street West exit"; and

(ii) "Opportunities for improvement of Main Street West from Queen Street to Victoria Street".

NOTE: The "City Entrance - Main Street West" Report presents an Urban Design Analysis and a plan of action. The whole corridor, i.e., from the Main Street West exit on Hwy. 403 to Queen Street, is divided into nine areas. A list of priorities would determine the sequence of private and public actions and initiatives, as described in the implementation strategy at the end of the report.

Copies of the Report are available from the Committee Secretary upon request.

Commercial Improvement Programme - Main Street West B.I.A. (Potential)

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 1 respecting Commercial Improvement Programme - Main Street West Business Improvement Area (Potential).

The Committee **APPROVED** the following:

(a) That streetscaping improvements to Main Street West, from Locke to Queen Streets, as prepared and presented by Basciano-O'Connor Landscape Architects Ltd., **BE APPROVED** at a total estimated gross cost of five hundred and eight thousand dollars ($508,000.). (approximately 25% of these costs will be offset by the Regional Engineering Road and Sidewalk Reconstruction Budget and the Hamilton Hydro Electric Systems' Budget); and,

(b) That Commercial Improvement Programme funds **BE UTILIZED** for the City's portion of this project at an estimate of three hundred and seventy-five thousand dollars ($375,000.) including contingencies.

NOTE: Regional Engineering and Hamilton Hydro Electric Systems' costs are estimated at one hundred and ten thousand dollars ($110,000.) and thirty-six thousand dollars ($36,000.) respectively, for above-grade improvements.

(c) That the Community Development Department, with the input of the B.I.A. and other neighbourhood and business groups, the Urban Design Committee, the Planning Department and other appropriate departments, **DEVELOP** a list of priorities, a schedule of implementation of the remaining phases of Main Street West from Highway 403 to Queen Street, and method of financing.

NOTE: Of the 2.5 million dollars originally approved under the Commercial Improvement Programme, approximately nine hundred and six thousand dollars ($906,000.) has been expended or committed. Therefore, there are sufficient funds available for the Main Street West Project.

Building Construction Report

As an added item, Alderman Merling spoke on the Building Construction Report contained as an information item in the agenda package and commended the Department for this excellent report.

IN CAMERA

The Committee then adjourned their regular session and moved into an In-Camera Session of members of the Committee and all members of the staff, including the Committee Secretary, were asked to leave the room.

Zoning Applications

The Committee reconvened in the City Council Chambers to hear Zoning Applications.

ZA89-39 - 404 Cochrane Road South

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 17 respecting Zoning Application 89-39 for property at 404 Cochrane Road South.

The Committee was also in receipt of a letter of submission from John Currie, 395 Cochrane Road.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-39, Mrs. Frances Marchetti, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit a hairdressing business as a home occupation use, for property located at 404 Cochrane Road South, as shown on the attached plan marked as Appendix "A", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

1. It is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

2. There is not more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1148, and that the subject lands on Zoning District Map E-76 be notated S-1148;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-76 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at 404 Cochrane Road South.

The effect of the By-law is to permit a hairdressing business as a home occupation use, for one hairdresser who resides on the premises as their principal place of residence.

ZA89-65 - 843 Mohawk Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 17 respecting Zoning Application 89-65 for property at 843 Mohawk Road East.

The Committee was in receipt of a letter of submission from Conrad D. Gris, 90 Winchester Boulevard.

Report of the circularization was given as follows: 97 notices sent, 7 in favour, 39 opposed.

Mrs. Gallagher, 844 Mohawk Road East spoke to the Committee and indicated that she has obtained a petition of 371 names who are opposed to this Zoning Application. Mrs. Gallagher then spoke to the petition and submitted same to the Committee Secretary.

Mr. Walter Craig, 89 Winchester Boulevard also spoke in opposition to this application and indicated that the property is run down now.

Mr. Craig also advised that he wishes to receive a copy of the minutes of this meeting and that Mrs. Gallagher also wishes to receive a copy of the minutes of this meeting.

Mr. Silver, representative for the applicant spoke on the reasons for the application to be approved. He asked for an opportunity to speak to the objectors and asked for a tabling of his application.

The following discussion on this matter by the Committee, the following denial recommendation was APPROVED.

That Zoning Application 89-65, Diton Construction, prospective owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the construction of a 3 storey residential care facility (retirement home) for the accommodation of 48 residents, for the property located at 843 Mohawk Road East, as shown on the attached map marked as Appendix "B", BE DENIED for the following reasons:

(a) The proposed development is out of character in terms of height, bulk and density with the established development pattern of single-family dwellings.

(b) It represents an intrusion of an institutional type use into a stable single-family residential area: Under the "C" District regulations, the capacity of a residential care facility is restricted to 6 residents. The proposed facility would have 48 residents which is 8 times the permitted maximum;

(c) It conflicts with the intent of the Official Plan; and,

(d) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

ZA89-75 - 1355 Upper Wellington Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 23 respecting Zoning Application 89-75 for property at 1355 Upper Wellington Street.

Mr. P. Mallard of the Planning Department advised that there is an amendment which should be made to this resolution which should read "That the amending By-Law not be passed by Council until the applicant has dedicated sufficient lands to the Region for the widening of Upper Wellington Street, to the satisfaction of the Commissioner of Regional Engineering".

The Committee then APPROVED the following:

(A) That APPROVAL be given to Zoning Application 89-75, Bethel Gospel Tabernacle Church, prospective owner, requesting a modification to the established "AA" (Agricultural) District regulations to permit a day nursery for a maximum of 125 children within the existing church building, for property located at 1355 Upper Wellington Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 7A(1) of Zoning By-law No. 6593, a day nursery for a maximum of 125 children shall be permitted only within the existing church building;

(ii) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of 21 parking spaces shall be provided for the day nursery;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1149, and that the subject lands on Zoning District Map E-18C be notated S-1149;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law **NOT BE PASSED** by Council, until the applicant has dedicated sufficient lands to the Region for the widening of Upper Wellington Street, to the satisfaction of the Commissioner of Regional Engineering.

NOTE: The purpose of the proposed By-law is to provide for a modification in zoning to the established "AA" (Agricultural) District regulations for property located at 1355 Upper Wellington Street.

The effect of the proposed By-law is to permit a day nursery for a maximum of 125 children within the existing church building. The By-law also provides for 21 parking spaces for the use of the day nursery.

ZA89-60 - 186 Hunter Street East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 19 respecting Zoning Application 89-60 for property at 186 Hunter Street East.

The Committee **APPROVED** the following:

That **APPROVAL** be given to an amended Zoning Application 89-60, Carter Welding Supplies Ltd., owner, for a further modification to the established "J" (Light and Limited Heavy Industry, etc.) District regulations for property located at 186 Hunter Street East, as shown on the attached map marked as **Appendix "D"**, on the following basis:

(a) That the "J" (Light and Limited Heavy Industry, etc.) District regulations as contained in Section 16 of Zoning By-law No. 6593 as amended by By-law 75-136, applicable to the subject lands, be further modified to include the following variances as special provisions:

(i) That notwithstanding Section 16.(1) of By-law No. 6593 the following additional uses shall be permitted within the existing building:

(1.) A business and professional persons office;
(2.) A retail variety store;
(3.) A wholesale establishment;
(4.) A warehouse;
(5.) A food catering or food distribution business;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-409b, and that the subject lands on Zoning District Map E-5 be notated S-409b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to further modify the established "J" (Light and Limited Heavy Industry, etc.) District regulations applicable to property located at 186 Hunter Street East.

The effect of the By-law is to permit the following additional uses within the existing building:

(a) A business and professional persons office;
(b) A retail variety store;
(c) A wholesale establishment;
(d) A warehouse;
(e) A food catering or food distribution business.

ZA89-58 - 585 Mohawk Road West

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 16 respecting Zoning Application 89-58 for property at 585 Mohawk Road West.

The Committee was also in receipt of letter of submission from Silvia Carrod in opposition to this application.

The Committee was in receipt of a letter of submission from the Development Manager, Frum Development Group, owners of the Westcliffe Mall at 640 Mohawk Road West, in opposition to this application.

The Committee was also in receipt of a letter of submission from Mr. Eric Grove, Eric Grove Consultant, Land Use Planning and Design in opposition to this application.

Report of the circularization was given as follows, 121 notices sent, 21 in favour, 12 opposed.

Mr. Ed Fothergill, Planning Consultant, spoke on the application and Mr. Graham O'Donnell, owner of the Golden Chest Inc., applicant for this matter was in attendance of the meeting. Mr. Fothergill spoke on the reasons that this application should be approved and indicated that the business is by appointment only, not a walk-in-trade. He also added that a minimal effect would be felt on the neighbourhood by approval of this application.

The Committee discussed this matter and approved the following denial recommendation:

> That Zoning Application 89-58, Graham O'Donnell - Golden Chest Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit conversion of the existing dwelling to permit the sale, display and manufacture of jewellery and an accessory office use, for property located at 585 Mohawk Road West, as shown on the attached map marked as Appendix "E", BE DENIED for the following reasons:
>
> (a) The proposal does not comply with the intent of the "Residential" designation of the Official Plan.
>
> (b) The proposal does not comply with the intent of approved Gilbert Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
>
> (c) The proposal represents an undesirable intrusion of a commercial use into an established residential area.
>
> (d) Approval of the application may encourage other similar applications which, if approved, would undermine the established residential character of the area, and the intent of the Official Plan and the approved Gilbert Neighbourhood Plan.
>
> (e) It would undermine the viability of established and designated commercial lands in this area.

ZA89-79 - North-West corner of Limeridge Road East and Upper Gage Avenue

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 24 respecting Zoning Application 89-79 for property at the north-west corner of Limeridge Road East and Upper Gage Avenue. The recommendation of the Commissioner of Planning and Development was for denial of this application.

The Committee was in receipt of a letter of submission from the Solicitors for Norbert Schuller and Apans Health Services.

Report of the circularization was given as follows, 241 notices sent, 6 in favour, 14 opposed.

A representative of the Graceville Nursing Home spoke in opposition to this application and feels that a Funeral Home and a Nursing Home adjacent to it are completely incompatible uses. He also asked for a copy of the Planning and Development Committee's decision to be sent to him.

Mr. J. Finochio, representative for the applicant and Mr. Powell, the applicant spoke on the reason why this application should be approved.

Considerable discussion ensued on this matter by the Committee and the Committee APPROVED the following approval recommendation on this matter:

(A) That APPROVAL be given to Official Plan Amendment No. 82 to redesignate property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "F", from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That APPROVAL be given to amended Zoning Application 89-79, Edward Powell, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a funeral home and one accessory dwelling unit, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the subject land be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 14A(1) of Zoning By-law No. 6593 only a funeral home and one accessory dwelling unit shall be permitted.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1150, and that the subject lands on Zoning District Maps E-38A and E-38B be notated S-1150;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council;

(e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 82 by the Regional Municipality of Hamilton-Wentworth; and,

(f) That the Lawfield Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial".

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for a funeral home and one accessory dwelling unit.

Proposed Plans for Chapple East and West Neighbourhoods

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 19 respecting the proposed plans for Chapple East and West Neighbourhoods.

The Committee APPROVED the following:

That the proposed Chapple East Neighbourhood Plan attached herewith and marked Appendix "G", and the Chapple West Neighbourhood Plan attached herewith and marked Appendix "H", BE ADOPTED by Council.

SA88-23 - South of Rymal Road East and North of Ontario Hydro Right-Of-Way.
ZA88-107 - 408 Rymal Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 26 respecting proposed draft plan of subdivision application SA 88-23 for property south of Rymal Road East and North of the Ontario Hydro Right-Of-Way as well as Zoning Application 88-107 for property located at 408 Rymal Road East.

Evelyn Stewart, 478 Rymal Road East spoke to the Committee and asked how close to the Highway a commercial development would be allowed to locate. She also asked what she can anticipate being beside her home. Staff responded to Mrs. Stewart's comments.

The Committee then approved the following:

(A) That APPROVAL be given to Subdivision Application 88-23, Rymal Gardens Inc., owner, to establish a draft plan of subdivision south of Rymal Road East and north of the Ontario Hydro Power Commission right-of-way, subject to the following conditions:

(a) That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc., dated 1989 August 4, revised by changing the commercial blocks to multiple housing development.

(b) That the streets and the widening, Blocks "103" and "104" be dedicated as public highways and Block "113" be dedicated as a public walkway on the final plan.

(c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(d) That the final plan conform with the Zoning By-law approved under The Planning Act.

(e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(f) That the owner convey 5% of the land included in this plan of subdivision and a cash-in-lieu of land payment to the City of Hamilton for park purposes, said conveyance to comprise of Block "98".

(g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(h) That Blocks "105" to "112", the 0.3m reserves be conveyed to the City of Hamilton.

(i) That the extension of Upper Wentworth Street south of Rymal Road align centreline to centreline with the existing Upper Wentworth Street north of Rymal Road and that Street "B" must align centreline to centreline at both sides of Upper Wentworth Street.

(j) That the owner provide a 3.048m widening on the south side of Rymal Road in order to establish Rymal Road to a width of 18.29m from the original centreline.

(k) That 12m x 12m daylight triangles be established at the intersection of Rymal Road and Upper Wentworth Street and at the intersection of Street "B" and Upper Wentworth Street.

(l) That 2m x 2m daylight triangles are provided on Lot 66 (L-shaped roadways).

(m) That 9m radii are provided at the transitions in and out of all cul-de-sac bulbs.

(n) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(o) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(B) That a Subdivision Agreement **BE ENTERED INTO** by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-23), Rymal Gardens Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

(C) That Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District (Block "1"), "RT-20" (Townhouse-Maisonette) District (Block "2"), "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), and "G-1" (Designed Shopping Centre) District (Block "4"), for the property located at 408 Rymal Road East, as shown on the attached map marked as **Appendix "I"**, **BE DENIED**, for the following reasons:

(a) A portion of Block "2" is designated "Park and Recreational" in the proposed Chappel East Neighbourhood Plan and, therefore, it is appropriate for these lands to retain the "AA" zoning. In addition, the allowable density under the "RT-20" district regulations exceeds the density permitted by the Neighbourhood Plan;

(b) The proposed Chappel East Neighbourhood Plan designates Block "3" for "Attached Housing". In this regard, the proposed "E" District is inappropriate and does not reflect the future intended land use; and,

(c) Block "4" conflicts with the Official Plan which designates the Block Residential and Major Institutional. Furthermore, the proposed Chappel East and West Neighbourhood Plans designate it for "Low Density Apartments" and "Single and Double Residential". In addition, there is an adequate supply of commercially zoned land in the immediate area, including a 12 acre parcel and a 2 acre parcel on the north side of Rymal Road at Upper Wentworth Street.

(D) That **APPROVAL** be given to an amended Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District (Block "1"), "RT-10" (Townhouse) District (Block "2", and "DE" (Low Density Multiple Dwellings) District (Block "3"), to permit the development of Block "1" for single-family dwellings, Block "2" for townhouses, and Block "3" for low density apartments, for the property located at 408 Rymal Road East, as shown on the attached map marked as **Appendix "J"**, on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District;

(b) That Block "2" be rezoned from "AA" (Agricultural) District modified, to "RT-10" (Townhouse) District;

(c) That Block "3" be rezoned from "AA" (Agricultural) District modified, to "DE" (Low Density Multiple Dwellings) District;

(d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18E and E-27E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning for the property located at 408 Rymal Road East, on the following basis:

Changes in zoning from "AA" (Agricultural) District modified, to:

(a) Block "1" - "C" (Urban Protected Residential, etc.) District;

(b) Block "2" - "RT-10" (Townhouse) District; and,

(c) Block "3" - "DE" (Low Density Multiple Dwellings) District.

The effect of the by-law is to permit the development of the subject lands for Single-Family Dwellings (Block "1"), Townhouses (Block "2") and Low Density Apartments (Block "3").

Neighbourhood Plan Review - North-West corner of Upper Gage Avenue & Rymal Road East-Eleanor Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3 respecting Neighbourhood Plan Review - Northwest Corner of Upper Gage Avenue and Rymal Road East - Eleanor Neighbourhood.

Mr. David Godley of the Planning Department outlined the proposed designation.

The owner of property at 1598 Upper Gage Avenue spoke to the proposal and objects to apartment buildings in the area as unnecessary. She also questioned the density of the proposed townhouse area.

Mr. Clark, 1626 Upper Gage Avenue spoke to the Committee and indicated that he rents the house from Mr. Harnden, which is part of the area being proposed for new designation. He questioned the proposals for the area since he wonders how long he will be in the house before the owner will demolish it. He also added that he is concerned at the impact a plaza would have on the area, and its resulting social effects.

Mrs. Millar, 1574 Upper Gage Avenue spoke to the Committee and indicated that no one in the area wants apartments or townhouses and questioned why their use is being incorporated in the proposed designation. She suggested numerous other uses for the area.

Mr. Harnden, property owner of a large piece of property in the Eleanor Neighbourhood indicated that he is concerned at the plans which limit the development possibilities on his land and expressed frustration on this matter.

Mr. David Elley, a representative for the owners of the strip of Rymal and Upper Gage lands, spoke to the Committee and asked that the whole strip be a commercial use only. He feels that the proposal landlocks the back of his clients property.

The Committee was in receipt of a submission from Mr. John A. Parente, Agro, Zaffiro, Parente, Orzel and Baker, Solicitors attaching a petition with respect to rezoning to allow for commercial development of the properties known as 826, 837, 845 and 867 Rymal Road East and 1630 Upper Gage Avenue.

Considerable discussion ensued on this matter by the Committee and the Committee approved the following:

That the land use designations for the north-west corner of Upper Gage Avenue and Rymal Road East in the Eleanor Neighbourhood, as shown on the map attached herewith and marked Appendix "K", BE ADOPTED by Council.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Secretary
1989 November 1

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: November 21, 1989
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

a. 153 Eleanor Avenue
b. 104 Ainslie Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

B U I L D I N G D E P A R T M E N T

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: November 22, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
	153 Eleanor Ave.	S.F.D.	S.F.D.	250' X 385.78'	Stennagel Construction Limited	"C"	It is recommended that Committee approve demolition.
	104 Ainslie	S.F.D.	S.F.D.	57' X 135'	Vanrooyen	"C/720"	It is recommended that Committee approve demolition. NOTE: Demolished without permit

L.C. King, P. Eng.,
Building Commissioner

FOR ACTION

3.

REPORT TO: Mrs. S.K. Reeder,
Secretary,
Planning & Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

DATE: November 23, 1989
COMM. FILE:
DEPT. FILE: Zoning By-law 80-245(88-09)

SUBJECT:

By-law 80-245 as amended by By-law 88-09 respecting land drainage.

RECOMMENDATION:

That By-law 80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly onto the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:-

> That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Engineering.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In 1988 By-law 80-245 was amended by By-law 88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law as it stands has been successful in alleviating the majority of problems caused by downspouts.

Since the passing of the by-law, this Department has encountered several problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of catchbasins and retention.

...2

There have been some projects constructed recently which have not been connected to storm sewers and are nearing completion without the required connections. Below are listed those projects which have been found by this Department not complying with the by-law:

Project	Owner/Contractor	Action by Building Department	Action by Owner/Contractor
250 Limeridge Road East - 53 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valery Construction)	Order to Comply - June 30, 1989	Seeking Variance
300 Limeridge Road East - 55 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valey Construction)	Order to Comply - June 30, 1989	Seeking Variance
1380 Upper Ottawa Street - 50 townhouse units	Luval Enterprises (T. Valery Construction)	Order to Comply - July 27, 1989	Seeking Variance
79 Trieste S.F.D.	P. Ortenzi	Order to Comply - September 22, 1989	Remedial work done
220 Stone Church Road West - S.F.D.	Canway Construction (Covington Homes)	Order to Comply - July 21, 1989	Seeking Variance
381 Brigade S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
337 Brigade Drive S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
110 Bonaparte Way S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
38 Brigade Drive S.F.D.	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
42 Brigade Drive	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
476 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
480 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
487 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action

...3

With respect to enforcement of the by-law, the amendment requiring connection of rainwater leaders became effective on January 12, 1989. All building permit applications submitted after that date have required direct connection to the sewers. The exemptions of this are those plans of subdivision which were approved prior to January 15, 1988. On February 7, 1988, City Council exempted subdivisions which were approved prior to passing of the by-law.

This Department has not experienced any problems in obtaining compliance with the by-law until this year. For the first year during which the by-law came into effect, all drawings approved for building permits were notated with the by-law requirements. This was done to educate the construction industry about the by-law. The Hamilton Construction Association and the Hamilton and District Home Builders Association were also informed about the by-law and the requirements.

The proposal to amend the by-law has been discussed with the Hamilton Building Liaison Committee and has support from the Hamilton and District Home Builders Association, the Hamilton Construction Association, the Association of Professional Engineers of Ontario, and the Ontario Association of Architects.

Those building sites, which are designed by Architects or registered Professional Engineers of Ontario have special requirements respecting inspection and site review by the design professional. Under sentence 2.3.2.1.(1) of the Ontario Building Code, general review is required as follows:

> Except as permitted in Sentence (2), a person who intends to *construct* or have *constructed* a *building* required to be designed by an *architect, professional engineer* or both, shall ensure that an *architect, professional engineer* or both are retained to undertake the general review of the *construction* of the *building* in accordance with the performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable, to determine whether the *construction* is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an *architect, professional engineer* or both and that form the basis for the issuance of a *building* permit or any changes thereto authorized by the *chief official*; written reports arising out of the general review shall be forwarded to the *chief official* by such person.

As noted on the previous list, the owner of townhouses at 250 Limeridge Road East, 300 Limeridge Road East, and 1380 Upper Ottawa Street is seeking a change to the by-law. Please find attached a letter from Haverty & Rankin Limited, Architects, respecting these developments where by an oversight, the builder did not connect the rainwater leaders directly to the storm sewers.

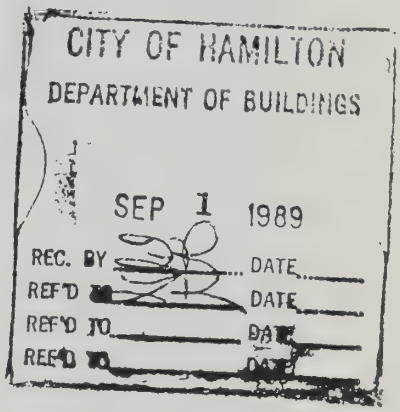
It has been suggested that on projects such as this, if a Professional Engineer is employed and designs the total site to accommodate all storm water run-off, then direct connection to the storm sewer is not necessary. This proposal will allow some flexibility in the design of multiple-residential, commercial, and industrial developments and would also benefit the municipality by delaying peak run-off during storms and allowing site absorption of some of the storm run-off.

This proposed amendment is similar to the by-law requirements, dealing with catchbasins on parking lots and would eliminate the discrepancies in the by-law between buildings and parking lots.

HAVERTY
&
RANKIN
LIMITED

Architects

276 Main St. West
Hamilton, Ontario
L8P 1J8
416 525-2222
Fax 416 525-5066



August 30, 1989

Mr. Len King
Building Commissioner
City of Hamilton
71 Main St. West
Hamilton, Ontario
L8N 3T4

Re: STORM WATER DRAINAGE - APPLEGROVE, STANLEY WOODS AND STANLEY PLACE

Dear Mr. King:

The storm drainage from all the sites have been designed by professional engineers on the basis of the downpipes from the townhouse roofs discharging onto the sodded ground. The design was submitted to the City of Hamilton and the Ministry of the Environment for approval. Various revisions of the design requested during the approval process were complied with and the designs were approved.

During the construction of the projects, a building inspector pointed out to the builder that the bylaws of the City of Hamilton had been changed and now required that roof drains be connected directly to the storm water drainage piping system. At that time, most of the townhouses were already constructed and the builder could comply with this new requirement in only the last three blocks of townhouses of the Stanley Woods/Place project, which he did.

The design and construction of the storm drainage system and the grading of the site is such that it will have no detrimental affect on the adjacent properties. The roof drainage is directed to the surface of each of these sites and then directed by way of site grading and swales to catch basins and then to the underground piping system and the grading of the site is such that it contains all rainwater within the boundaries of the property.

The points of discharge have been designed so that the downpipes from the roofs will not create hazardous conditions in winter on any of the walkways and driveways.

LORNE E. HAVERTY, B. Arch., M.R.A.I.C. J. BRUCE RANKIN, B. Arch., M.R.A.I.C.
Associates: Alice C. Perniac, C.I.M., P.Mgr. Emil Cristescu, Dip. Arch.

We therefore believe that the entire system as it has been constructed is functional from all points of view.

We would also like to add that it is our opinion that to discharge the roof drainage to the ground in this kind of a development where sufficient sodded area is available for the absorption of the rainwater is beneficial not only to the environment as it provides more natural moisture for the vegetation but also as the sodded areas serve to slow down the surface runoff of rainwater by up to 75%, this method is also beneficial in that it reduces the load in the municipal storm sewers in peak runoff periods.

We would like to suggest that the City of Hamilton consider revising the relevant bylaw to allow a competent professional engineer to design the storm water drainage system including the method of collecting the rainwater from the roofs in projects that require site plan approval.

Yours truly,

L. E. HAVERTY

c.c. Valery Const. FAX
Sigma Engineering FAX

F O R A C T I O N

4.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 November 22
DEPT FILE: FACADE 71

SUBJECT: Commercial Facade Loan Programme -
314 James Street North, Hamilton

RECOMMENDATION:

That a repayable loan, in the amount of fifteen thousand dollars ($15,000.) be approved under the Commercial Facade Loan Programme for 314 James Street North, Mr. Tatiana Giambattista. The interest rate will be 6 3/4 percent, amortized over 10 years.

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 314 James Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Jamesville Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Tatiana Giambattista for improvements to 314 James Street North, in the amount of $15,000. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be $172.25, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

FOR INFORMATION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 November 9
COMM FILE:
DEPT FILE: 32-0001.2

SUBJECT: Comprehensive Audit Report;
Department of Community Development, Community Renewal and Housing Loans Sections;
Departmental Comments

BACKGROUND:

In response to the Planning and Development Committee's direction at its meeting held 1989 November 01, the Department of Community Development offers the following:

This report addresses the Community Renewal and Housing Loans Sections only. The Waterfront and Municipal Non-Profit Housing Sections will be dealt with via the appropriate committees.

Many of the recommendations contained within the Comprehensive Audit Report have already been addressed through earlier reports to Council. On the whole, as indicated by the consultant, the Community Development Department is successful in its Community Renewal and Housing Loans administration and implementation.

The Committee Members should note that within the observations and recommendations for both of these sections there is only one recommendation contained within the Housing Loans Section as follows:

"The Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant's screening criteria to save staff time in completing unused applications." (applications that do not proceed to finalization for various reasons)

This situation had previously been identified by department, staff and, once computers have been purchased and are in use within that section, this recommendation will be addressed.

The Department of Community Development suggests the following points be considered:

...../2

1. The Department of Community Development should be authorized to continue functioning in its present format.

2. The Department is of the opinion that the report must be read in its entirety, and excerpts should not be regarded in isolation as they could be misinterpreted.

3. A more formal goal-setting and measure of effectiveness will be utilized by the Community Development staff-particularly management-by holding annual goal setting meetings with follow up meetings to measure effectiveness.

4. Outside consultants should continue to be utilized for their technical expertise in the design and project implementation fields because of the complexities of the projects being undertaken by the Department. (i.e. Downtown Action Plan and the Sanitation Study)

5. Computers will be utilized in each of the sections to assist in reducing the workloads and create a more efficient working environment.

cc: Alderman Wm. McCulloch, Chairman
Finance Committee

Alderman J. Gallagher, Chairman
Comprehensive Audit Sub-Committee

Mr. L. Sage, Chief Administrative Officer

Mr. J. Thompson, Secretary
Comprehensive Audit Sub-Committee and
Secretary of the Finance Committee

Mr. E. Matthews, City Treasurer

5a.

THE CORPORATION OF THE CITY OF HAMILTON

COMPREHENSIVE AUDIT REPORT

THE DEPARTMENT OF COMMUNITY DEVELOPMENT

December, 1988

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1.0 EXECUTIVE OVERVIEW

A review team was engaged in October of 1988 to conduct a comprehensive audit of the Department of Community Development. The purpose was to determine how effectively the Department uses its resources and recommend ways to reduce costs or improving the quality of service without incurring additional costs. The key findings of the review team are as follows:

- the Department is generally well run from the standpoint of management direction, systems, procedures and internal structure;

- the non-profit housing unit does not operate effectively because the general manager:

  . has insufficient skilled staff,
  . has limited access to experts from other city departments,
  . is not accountable for the funds provided by the province to administer and develop non-profit housing units;

- the Housing Loans unit is widely admired for its cautious but innovative loan practices. Provincial and federal funds are used when available. An exception is OHRP which has accumulated over $2,600,000 in the city treasury because current program guidelines restrict the number of eligible cases. This accumulation is common to all large cities in Ontario, and the province will resolve the matter shortly;

- there is no way to determine whether the general public is satisfied with the services received from the department, or whether the time which project managers spend on individual projects is reasonable, since there are no systems to collect such information;

- the department contributes to the planning and managing of the Waterfront project and Non-Profit Housing Corporation but since these are developmental projects, the key decisions are being made by City Council Committees; and

- the department provides a variety of apparently desirable but non-essential services for the City.

Our recommendations are presented below. The mandate of this study did not extend to an examination of the functioning of the city council committees. Therefore, we cannot make specific recommendations regarding decisions made at that level since further study would be required. Our recommendations are limited since the Department is generally well-managed. These recommendations are:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:

  . setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives;

  . recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.

- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications;

- the general manager of the Non-Profit Housing Corporation (NPH) should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;

- the NPH general manager requires a construction foreman and full-time clerical assistance;

- the NPH general manager should put the property management contract out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;

- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and

- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of those non-profit housing corporations which report operating within the funds provided by the province.

Our findings indicate that there has been significant improvement in operations of the Department of Community Development over the last two years. Many historic problems have been eliminated through the introduction of effective means of co-ordinating and planning with other departments.

Many interviewees agreed that the people of Hamilton would soon start to have to make up the shortfall between what the province pays to develop and operate non-profit housing and what these services cost the City. We believe that costs are escalating because the general manager does not have the authority or the information to manage the corporation efficiently.

The NPH management changes recommended in this report could save approximately $100,000 during the coming year; the recommended reports to Council will help clarify what the City has to pay for non-profit housing so that a decision can be made as to whether or not this service should be continued.

It was not our mandate to conduct an organization study, but we could not help noting that there is another non-profit housing activity conducted by the City in providing houses for seniors through another department. There may be excellent reasons to have two non-profit housing operations within the City, but we suggest that consideration should be given to integrating these services.

In examining other options for cost savings, we can also consider the more extreme case which may arise if the City is suffering from a significant budget deficit. The Department of Community Development seems to provide a range of desirable services, but they are not essential services such as water and sewage.

Housing loans and business improvement area services could probably be eliminated with little inconvenience to the people of Hamilton. There are also several private sector non-profit housing organizations in the community willing to take over the City's units. However, most of the funds for program delivery in these units of the Department come directly from the province or, in the case of the business improvement areas, from taxes to local business owners.

The Waterfront Project, on the other hand, may cost the City over $1,000,000 for land removal and consulting services in 1989. However, these expenditures cannot be stopped since the Ministry of the Environment has demanded that the land clean-up be completed, regardless of the use to which the site is put.

In summary, the most extreme case for saving money--by eliminating the Department altogether--may save only $100,000 to $200,000 in salaries and incidental costs per year, depending upon how staff re-assignments are made. Since housing loans generate some revenue, this extreme course of department closure would not be reasonable unless the City was concerned about a significant budget deficit.

2.0 PURPOSE OF THE PROJECT

The audit was conducted in order to:

- review the effectiveness of the Department of Community Development in delivering services for which it is responsible; and
- recommend ways to reduce the cost of service delivery or improve the quality of service without incurring additional costs.

3.0 SCOPE OF THE PROJECT

The review team was instructed to focus upon the internal operations of the Department of Community Development. The recommendations will reflect the limited perspective which is characteristic of the review of one department within a larger organization.

The elements of departmental effectiveness which the review team examined are listed below:

- management direction;
- relevance of key activities;
- appropriateness of structure and process;
- achievement of intended results;
- acceptance by constituencies;
- secondary impacts;
- costs and productivity;
- financial results;
- working environment;
- protection of assets; and
- monitoring and reporting.

* Each of these elements is defined in greater detail in Appendix I.

The review focused on **current** operations. Problems which have occurred in the past--and which are unlikely to occur again because of changes in policy, procedures or organization--were not subjects of investigation for this review.

Interviews were conducted with members of the department, city officials and city employees who interact with the department, members of the public, members of relevant provincial and federal government departments, and individuals responsible for similar programs in other cities and municipalities. The names and titles or the interviewees appear in Appendix 2. Key documents concerning the department's objectives, activities, results, and systems were also examined.

4.0 OBSERVATIONS AND RECOMMENDATIONS: THE DEPARTMENT

Section 4.0 of the report is concerned with our observations and recommendations concerning the department as a whole. Section 5.0 presents the observations and recommendations for each of the four units of the department, i.e., Community Renewal, Housing Loans, the Waterfront Park project, and Non-profit Housing.

Both Section 4.0 and section 5.0 are organized as follows:

- **observations** - a brief overview of purpose, process and structure;
- **findings** - specific findings in relation to the attributes of effectiveness outlined under "Scope of the Investigation"; and
- **recommendations** - recommendations for improving effectiveness and/or saving public monies.

4.1 The Department

Our comments on the department as a whole focus on findings and recommendations which generally apply to all units or to general department management.

4.1.1 Observations

The Department of Community Development was created in 1972 following a management review by a private consulting firm. The department was originally designed to:

- oversee the application of minimum standards bylaws; and
- complete the implementation of three urban renewal programs.

In the early 1980s, the department became responsible for implementing the downtown action plan. As late as 1987, the department assumed responsibility for the Waterfront Park project and the Municipal Non-Profit Housing project.

With a capital budget of approximately $60 million, the purpose and objectives of the department, as stated in the 1988 current estimates report, is to plan for, and implement community/housing renewal programs and activities within the city of Hamilton as well as the Waterfront Development and the Municipal Non-Profit (Hamilton) housing corporation.

4.1.2 Findings

The review team has drawn the following conclusions about the overall effectiveness of the department:

- employees are clear with respect to their roles, co-ordinating meetings are held as appropriate and authority is appropriately delegated;

- key activities are relevant and appropriate to the departmental objectives;

- the department is appropriately organized internally for the services it delivers;

- objectives are generally achieved as planned, with the exceptions being in the newer developmental areas in which the department does not have sufficient authority to act, i.e., Waterfront planning and non-profit housing;

- the department seems to deliver adequate service to the members of the general public as well as other departments with which it interfaces;

- the secondary impacts of department activity, (e.g., generating business for housing renovators and construction companies, or rezoning property) seems, to be generally beneficial to the community;

- the department is generally operated within its budget, although the indirect costs of managing the Non-profit Housing Corporation to other departments are neither included in the department budget nor adequately documented to assess cost-efficiency;

- productivity of the department cannot be directly assessed due to a lack of time records by project, but overstaffing is not in evidence;

- the department has shown considerable capacity to respond to problems that have arisen in interaction with other departments and the public and is likely to remain responsive to changes in its complex operating environment;

- appropriate safe guards for the protection of assets are present and monitored to various degrees by the Treasury Department, the City's auditors, and the CHMC and the Ministry of Housing;

- monitoring and reporting of activities within the department and between the department and the City Administrator and City Council is generally appropriate;

- apart from an apparent shortage of staff in one area, the work environment is suitable for the department's mandate and objectives, and the working atmosphere is positive and progressive; and

- the department has continued to improve its policies and procedures to reduce communications and coordination problems between the execution and those of other departments or committees of Council.

Our concerns lie in the following areas:

- there is no formal system for evaluating the quality of services provided by the department, nor does the project management system enable one to assess level of effort against outputs achieved;

- interviewees from other departments, and from other organizations that interact with the department often comment upon a lack of action-orientation and leadership in the Department of Community Development. These comments are difficult to translate into objective terms. This may reflect a failure on the part of the Director of the department or on the part of other departments to specify in a sufficiently clear manner the specific accomplishments required or expected of this department;

- the unit managers, are seen by other departments are performing their jobs in a competent fashion, but the general lack of technical expertise and experience seems to limit the credibility of the department as far as significant decision-making is concerned;

- although the department's authority to act is limited by the Council sub-committees to which it reports, on matters of the Waterfront development and non-profit housing, it is often viewed as being responsible for running behind schedule and over-budget in these areas;

- many interviewees commented spontaneously that the Department of Community Development is "too small" and should be integrated with other departments. No one suggested that there was any rush for this decision or that there would be significant public funds to be saved. It was not within our mandate to investigate this matter further, but some of the comments by interviewees were:

- the Waterfront Park project is small now, but it will soon be quite large and complex requiring a new manager, a new focus and completely separate operating environment,

- the park's component of the Community Renewal project might be better integrated with the evolving Parks Development Unit within the Department of Public Works,

- the Housing Loans Unit might fit more appropriately within the Treasury Department or within the property department,

- the Non-profit Housing Corporation is getting large enough to call for a completely separate corporation with a general manager reporting directly to the Board rather than through a department head.

A number of concerns which have been expressed regarding the Department of Community Development turn out to be as much the responsibility of other departments. For example, there are concerns regarding the design of some specific aspects of community renewal projects. Often these concerns relate to the fact that the design of development programs includes items that are difficult for the public works department to maintain. However, there are now opportunities, early in the process of planning, for public works to input on the maintenance requirements of individual items. We believe that some of the problems that have been identified are to be expected. Others are the result of work loads across the departments involved.

4.2 Recommendations

The review team offers the following recommendations:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:

  - setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives; and

- recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.

5.0 OBSERVATIONS AND RECOMMENDATIONS: DEPARTMENT UNITS

This section presents the finding from the review of the Community Renewal, Housing Loans, Waterfront Property, and Non-profit Housing units.

5.1 Community Renewal

5.1.1 Observations

As outlined in the 1988 Annual Report, the Community Renewal section of the Department of Community Development addresses the revitalization of older business areas and/or neighbourhoods within the city of Hamilton. Revitalization projects fall into three basic categories: (1) Business Improvement Areas (BIA Concept) wherein assistance is provided to business groups in mobilizing to renew business areas within the city; (2) Central Business District (CBD) redevelopment known as the Downtown Hamilton Action Plan (DHAP); and (3) the Neighbourhood Renewal Project encompassing the Commercial Area Improvement Program (CAIP) and the Ontario Neighbourhood Improvement Program (ONIP) which were combined in 1987 and entitled the Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE). This program allows a municipality to make application to the Ministry of Municipal Affairs for financial assistance for redevelopment to the commercial, residential and industrial elements of a target area.

5.1.2 Findings

The review team has a favourable overall report with respect to the management of the Community Renewal Program. In particular, we note the following:

- members of the unit operate with clear purpose and management direction;

- services offered by the unit continue to be relevant to the overall objective of the Department and are well received by members of the public;

- overall costs of the department are appropriate, and adequate checks and balances exist for the protection and distribution of assets; and

- the unit has shown considerable responsiveness to the concerns of both external constituents and internal operating departments, as well as considerable flexibility in developing appropriate systems to promote smooth and effective working relationships.

The review team points to the following findings of concern:

- there are no formal, ongoing measures of effectiveness for the unit. The unit does not, in any way, seek to determine its own effectiveness in implementing its mandate of providing services to the public;

- while various constituencies report highly favourable interactions with the community renewal program, the department is not staffed with individuals who have technical backgrounds in operating areas. Staff members generally have behavioural science backgrounds which facilitate community work more so than physical development needs;

- both members of the public and of other operating departments cite "unnecessary delays" in community renewal projects. The review team has not uncovered unequivocal examples of avoidable delays; and

- there is a tendency for urban renewal plans to outstrip the capacity of the maintenance function in spite of systems now in place to minimize such problems.

Internally, there are good reasons for the methods of operation utilized by the Community Renewal Unit. Many "unnecessary delays" would be difficult to avoid. Similarly, it is natural for there to be some tension between enthusiasm for new exciting development programs and practical aspects of implementation. It is the view of the review team that the findings above do not reflect significant departures from prudent process.

5.2 Housing Loans

5.2.1 Observations

As outlined in the 1988 Annual Report, the Housing Loans Section of the Department of Community Development that administered rehabilitation loan and grant programs since their formation by the Federal and Provincial governments in late 1974. The department currently implements 18 different programs and administers several loan and grant programs for the town of Dundas and the Township of Flamborough.

Since 1974, the Department has administered $16,603,071 in rehabilitation loans--an average of $1,185,000 per year. The total number of applications approved has been 3,289--averaging about $5,050 per application.

The Ontario Home Renewal Program (OHRP) was funded on a per capita basis by the government until 1982. OHRP accounts for 40% of all the approved applications and the value of the loans ($5,457,837) accounts for 33% of the total loans since 1974. The Residential Rehabilitation Assistance Program (RRAP) is a federal program administered nationally by the Canada Mortgage and Housing Corporation which provides Municipality with yearly allocation. RRAP accounts for 45% of all applications approved by the department and the value of the loans ($6,114,066) accounts for 37% of all loans which have been managed by the department since 1974. The Provincial Low-Rise Rehabilitation Program (PLR) provides grants from a province of two-thirds of rehabilitation costs and is given in accordance with an allocation provided to the Municipality. PLR accounts for 7% of all applications and the value of the loans ($3,222,622) accounts for 19% of total loans since 1974.

5.2.2 Findings

The review team has a favourable report with respect to the management of the Housing Loans Program. In particular, we note the following:

- provincial and federal funding agencies report that, compared to other municipalities, the Hamilton housing loans unit excels in:

  . using all or most of its allocated loans or grant money;

  . providing ideas and constructive assistance in federal/ provincial housing program design and housing program policy issues,

  . management of its financial resources.

- there is a clear delegation of roles and responsibilities with appropriate control by the manager of the section for the actual approval of each loan, selection of contractors, and monitoring of pay-backs;

- staff education levels and qualifications are appropriate for the volume of work and adequate checks and balances exist to ensure that loan recipients, the nature of the work to be done and the selection of contractors meet the regional management standards; and

- leadership and management judgement are exhibited in the selection and management of contractors and in promoting those which appear to be most cost effective and appealing to both the municipality and to applicants.

The review team notes the following concerns:

- management of the OHRP money which, until 1982 was funded by the province, has resulted in the Department having a "cushion" of $2,600,000. The province may consider making more people eligible for this loan money (discussions are presently in progress);

- provincial auditors noted that the manager of the housing loans should have direct access to the current status of each loan, but that this information was available only through an exceptional request to the Treasury department; and

- the 50% of loan applications which do not lead to a loan take up 90% of the staff time required for a successful application. Yet, there are no plans to reduce the number of non-approvals before full applications are completed.

On the whole, the Housing Loans Program is well managed. It makes good use of the money available through federal and provincial resources to rehabilitate residential and commercial units in Hamilton. It is more conservative than other municipalities with respect to (1) retaining funds earned through loan repayments and interest payments which many other municipalities recycle into the community, (2) creating somewhat more stringent financial conditions for OHRP applicants than other municipalities, and (3) controlling how loan recipients spend their money.

5.2.3 Recommendations

The review team recommends:

- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications.

5.3 Hamilton Waterfront Park Project

5.3.1 Observations

In November 1984, the city of Hamilton expropriated approximately forty acres of waterfront lands in its west harbour area. This land was to be used for the creation of a waterfront park characterized by civic, cultural and recreational activities. The primary goals of the project were to broaden and develop the economic base of the city and to maximize benefits to the city, region and province. In particular, there was interest in creating a different image of Hamilton and in providing a free space to the public.

In 1987, responsibility for the implementation of the waterfront park project was transferred to the Department of Community Development from the architect's office. Overall planning and control of the project rests with the Waterfront subcommittee, the Parks and Recreation committee and, ultimately, with city council.

The current tasks of the Waterfront Parks unit of the Department of Community Development are to co-ordinate:

- an environmental assessment project;
- a landfill clean up project and related investigations; and
- an economic and management assessment project.

Future requirements of the role will be dependent upon the results of these activities. The exact nature of the Waterfront Park is yet to be determined. As a result, the exact nature of management and co-ordination activities required is still in question.

5.3.2 Findings

The review team cites the following findings regarding the operations of the Waterfront Park project:

- Activities being undertaken by the co-ordinator of the parks project are appropriate in every sense and reflect appropriate liaison with all relevant constituencies;
- appropriate investigations required for the effective implementation of the Waterfront project are being undertaken, including those related to waste management, environmental impact and economic and management assessment;
- appropriate controls over on-site activity have been developed;
- all precautions are being taken to spend monies wisely through competitive bids, treasury controls, etc.; and
- appropriate control through the Solicitor's office is now being incorporated into requests for proposals and contracts.

Before the department had responsibility for the Waterfront Park project, there were significant questions regarding the appropriateness and effectiveness of project management. In particular, the investigation of requirements and controls surrounding

the removal of contaminated soil from the Lax properties appears to have left much to be desired. However, all current activities with respect to the removal of contaminated soil, as well as environmental assessment and economic and management assessment, seem appropriate. In fact, interviewees for this current review generally report significant improvement in the overall management of the Waterfront Park project.

The Waterfront Park co-ordinator has shown sufficient capacity to effectively oversee current operations. Since there is a plan in place to monitor the ongoing structural needs of the Waterfront project as new information is received, the review team believes that all appropriate action is being taken to promote ongoing effectiveness. However, the project may soon move from the $4 million stage to the $50 million stage. The present co-ordinator is doing well, but is working near the upper limits of his technical skill and experience with large projects. He is developing his capabilities, but the demands of the project may quickly outstrip his personal rate of development.

5.4 Municipal Non-Profit Housing Corporation

5.4.1 Observations

The Municipal Non-Profit Housing Corporation was established in 1985 to provide rental housing appropriate for those with low and moderate incomes. The Corporation is involved in housing construction, housing management and housing research. Since 1985, 192 units have been completed in three locations: Upper Paradise Road; Limeridge East; and Stonechurch East. Property management and rental administration is provided by Hamilton East Kiwanis Non-Profit Homes. Projects under construction included 37 units in a renovated school building, but they were recently destroyed in a fire during construction. Other current projects include 10 townhouses and 66 units on Upper Ottawa and Limeridge roads. Research has been done by the Corporation on housing issues related to the need, affordability, optimal location, incentives and community acceptance.

The Non-Profit Corporation is staffed by a general manager, supported by a half-time clerk. The Corporation receives, from the province, 6% of the operating costs (or, in one instance, 6% of the gross rent revenue) of completed units for administration. Last year, the Kiwanis retained 4.4% of total administrative costs leaving 1.6% available to the city for recovering its own administrative costs on items such as additional time required by staff, treasury department and the real estate department. The salaries for employees in the DCD who work on non-profit housing are covered primarily by the provincial allowance of 2% of capital costs of buildings under construction.

5.4.2 Findings

The review team has drawn the following favourable conclusions:

- the quality of the housing currently being built, as well as that which has been completed, is as good as that done by private non-profit sector competitors;
- the management of the existing units has been done by the Kiwanis with a minimum of problems either in day-to-day administration or in the selection of tenants; and
- the general manager of the corporation maintains good communications with other departments with which he must interact (real estate, treasury, planning) and is very actively involved with daily developments in the properties under construction.

The review team has a the following concerns about the Non-Profit Housing Corporation:

- the professional qualifications and the experience of the general manager are in planning rather than construction, yet his primary activity is to oversee the construction of $7.8 million worth of units this year;
- the general manager has no background in the field of property management or rental administration but is expected to monitor the performance of an organization managing 192 units with revenues of over $500,000;

- while no one questions the honesty of the Kiwanis management team, several sources have indicated that the precision with which financial records have been kept has been less than adequate;

- the general manager has no financial accountability, limited financial information, and must purchase services from other departments. The Corporation is likely to overspend its budget under such circumstances;

- the management of this corporation requires expertise in the fields of construction management, accounting and real estate search/negotiation services. These services are provided by other city departments, but only when staff time can be made available;

- it is difficult for the general manager to meet his objectives with respect to administrative work, housing policy development, research construction supervision and property management supervision with only the help of one part-time clerk; and

- there are several local private sector non-profit housing corporations in Hamilton. The City Corporation has not used its zoning powers or purchasing power to create building lots which may not have been available to the private sector. It does not provide substantially better quality housing, more attractive housing or more efficiently managed housing than its private sector competitors. It is not clear, therefore, what need the City Non-Profit Housing Corporation is meeting that could not have been met by the private sector.

To date, both of the general managers of the Corporation have lacked the qualifications, and/or technical staff support, for this position. Both managers had training in planning–not in construction management and not in property management. While cause and effect relationships are difficult to establish, it is worth noting that there have been persistent problems with the quality of construction of the first units. These still require attention to correct.

There have been delays in the construction on properties currently underway which have been attributed to either the lack of time of the present general manager or his lack of the aggressiveness and/or building experience.

Of course, given the volume of work and lack of staff, even a well-qualified person would have considerable difficulty in keeping control of this situation. The general manager simply doesn't seem to have adequate resources to stay on top of the job in the longer run.

5.4.3 Recommendations

We cannot deal with the issue of whether or not the city should be in the non-profit housing business. We are assuming that the corporation will continue to function and that there will be continuing emphasis upon finding land for development.

We have also noted that there is a second non-profit housing department in the city. It was not within our mandate to examine the organizational issues, but we found it unusual that such apparently similar services were operated independently. Perhaps consideration should be given to putting all non-profit housing in one department.

We understand that a motion will be put forth to council for an additional allocation of funds to assist the corporation in its operations. Staff will be employed by the property department, the city treasury and the corporation itself. Our review of Non-Profit Housing Corporations in other parts of the province suggests that it is possible to manage non-profit housing corporations within the budget allocated by the provincial government. This may be difficult to accomplish in Hamilton if the NPH manager's staff report to other department heads, and financial information and decisions are the responsibility of yet another department.

Our recommendations are as follows:

- the NPH general manager should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;
- the NPH general manager requires a construction foreman and full-time clerical assistance;

- the NPH general manager should put the property management contract should be put out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;

- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and

- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of operation for non-profit housing corporations which report that they are operating within the funds provided by the province.

APPENDIX 1

THE ATTRIBUTES OF EFFECTIVENESS

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Management direction: the extent to which the objectives of an organization, its component programs or lines of business, and its employees, are clear, well-integrated and understood, and appropriately reflected in the organization's plans, structure, delegations of authority and decision-making processes.

Relevance: the extent to which a program of line of business continues to make sense in regard to the problems or conditions to which it is intended to respond.

Appropriateness: the extent to which the design of a program or its major components, and the level of effort being made, are logical in light of the specific objectives to be achieved.

Achievement of intended results: the extent to which goals and objectives have been realized.

Acceptance: the extent to which the constituencies or customers for whom a program or line of business is designed judge it to be satisfactory.

> *secondary impacts*: the extent to which other significant consequences, either intended or unintended and either positive or negative, have occurred;
>
> *costs and productivity*: the relationships among costs, inputs and outputs;
>
> *responsiveness*: an organization's ability to adapt to changes in such factors as markets, competition, available funding or technology;

financial results: the matching of, and the accounting for, revenues and costs and the accounting for and valuation of assets, liabilities and equity;

working environment: the extent to which the organization provides an appropriate work atmosphere for its employees, provides appropriate opportunities for development and achievement, and promotes commitment, initiative and safety;

protection of assets: the extent to which important assets - such as sources of supply, valuable property, key personnel, agreements and important records or information - are safeguarded so that the organization is protected from the danger of losses that could threaten its success, credibility, continuity and, perhaps, its very existence; and

monitoring and reporting: the extent to which key matters pertaining to performance and organizational strength are identified, reported and carefully monitored.

APPENDIX 2

LIST OF NAMES AND TITLES OF INTERVIEWEES

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NAME	TITLE
Lou Sage	Chief Administrative Officer, Chief Administrative Officer's Office
Jim Thoms	Commissioner, Department of Planning and Development
Victor Abraham	Director Local Planning, Department of Planning and Development
David Godley	Manager Neighbourhood Planning, Department of Planning and Development
Dan Vyce	Director, Property Department
Joe Pavelka	Director, Public Works Department
Russ Nutley	Manager, Parks Division, Department of Public Works
Doug Onishi	Director, Engineering Services, Municipality of Hamilton
Don Heintz	Project Maintenance Engineer, Public Works Department
Roland Karl	Planning Engineer, Traffic Department
Ernie Seager	Chairman, Waterfront Park Sub-Committee
Doug Farquhar	Supervisor, Administrative Services, Culture and Recreation
Audell Schimmel	Director, Culture and Recreation
Ed Matthews	Treasurer, City Treasury Department
Roy Hammel	Manager of Budgets, City Treasury Department
Doug Goodman	Assistant Supervisor, Taxation, City of Hamilton

Brian Hill	Senior Accounting Clerk, City Treasury Department
Rand Roszell	Solicitor, City Solicitor's Department
Ed Kowalski	Director, Department of Community Development
Kevin Christenson	Co-ordinator, Waterfront Project, Department of Community Development
Jackie McNeilly	Co-ordinator, Community Renewal, Department of Community Development
Bill Janssen	General Manager, Co-ordinator of Non-profit Housing, Department of Community Development
John Robinson	Co-ordinator Housing Loans, Department of Community Development
Hazel Milsome	Administrative Assistant II, Department of Community Development
Don Ross	Alderman, Ward 8, Hamilton
David Christopherson	Alderman, Ward 4, Hamilton
William McCulloch	Adlerman, Ward 2, Hamilton
Rosemary Campbell	Past General Manager and Co-ordinator of Non-profit Housing, Hamilton
Louie Seraphini	Private Sector Development Consultant and Non-profit Housing Manager, Hamilton
Carol Nixon	Executive Director, Business Improvement Area, Downtown Burlington
Gabriel Etele	Executive Director, Business Improvement Area, Downtown Hamilton
Gwen Maloney	Manager, Regional Office, Ministry of Housing, Hamilton
Nancy Laver	Branch Manager, Canadian Mortgage and Housing Corporation, Hamilton
Ray Stewart	Technical Support Manager, Ministry of Environment

Sybil Fernette	General Manager, Kitchener Housing Corporation
Bruce Langer	Housing Manager, Ajax Municipal Housing Corporation
Keith Extance	Housing Analyst, Non-profit Housing, Peel Region
Murray Engel	Chief Administrative Officer, City of London
Charles Towlsey	Manager of Property & Planning, Hamilton Harbour Commission
Harry French	Vice President, Planning Division, Marshall, Maclin, Monaghan
Gillian Booth	President, Bar Environmental
Robert Dowler	Co-ordinator, Policy & Program, Ministry of Housing
Sam Carr	Manager, Program Administration, Ministry of Housing

F O R I N F O R M A T

5b.

REPORT TO: Mr. J. D. Thompson, Secretary
Finance Committee

FROM: Mr. E. W. Kowalski, Director
Department of Community Development

DATE: 1989 July 13
COMM FILE:
DEPT FILE: 32-0001.2

SUBJECT:

Comprehensive Audit Report - Department of Community Development

BACKGROUND:

The Department of Community Development, in response to the Comprehensive Audit conducted by Pennell Kerr MacGillivray, wish to make a few general comments and leave the specific observations regarding the various administrative sections of the Department to the attachments labelled as Schedule 'A', 'B', 'C' and 'D' ('A' - Community Renewal, 'B' - Housing Loans, 'C' - Waterfront Project and 'D' - Municipal Non-Profit Housing Corporation). We also wish to point out that the Department's comments are not all inclusive, but only address what we consider major items of concern.

The Department is of the opinion that the report must be read in its entirety, and excerpts should not be regarded in isolation as they could be misinterpreted. The Consultants often quote statements in the report which are the subjective opinion of those interviewed, without attempting to verify statements which have been made. This can, at times, present a very prejudicial and one-sided view of the actual circumstances.

The Consultant suggests the Department may be "too small", but does not explain or attempt to justify this statement. As the Committee is aware, this Department is very specialized, and because of our size, not in spite of, we feel we are able to concentrate our efforts on the delivery of inter-related programmes, and respond to housing and redevelopment concerns both politically and from the public. We acknowledge that we are unique, but this uniqueness is what has made our delivery so successful. The City of Hamilton's ability to implement Programmes, funded by other levels of Government, is unsurpassed in the Province and for that matter in all Canada. A major reason for this success is the focus which we are able to spend in these areas. Big is not always better, nor is it necessarily as cost effective. the cost of the service delivered by the Department of Community Development, and noted by the Consultant, has little impact on the City's Current Budget.

Many of the services provided by the Department of Community Development address Economic Development goals and objectives. They should therefore, be examined for their impacts on the City's economic base. Housing loans and grants for example, make it possible for lower income homeowners to maintain their own shelter. If these homes were not renovated, the housing stock would eventually deteriorate, and require demolition to adhere to Property Standards. This would further erode the supply of affordable housing for middle to low incomes. Likewise for Non-Profit Housing. Beautification through the Waterfront Development and Streetscaping, as well as the Department's relationship with the business community through Business Improvement Areas (B.I.A.'s), have strong positive impacts on the City's Economic base.

c.c.: Mr. L. Sage, C.A.O.
Mr. E. C. Matthews, City Treasurer
Pannell Kerr MacGillivray
Attn: Mr. M. Hudson, C.A.

SCHEDULE 'A'

COMMUNITY RENEWAL

In Section 4.1.1 Observations, on page 9 of the Report, the Consultant states, "the Parks Component of the Community Renewal Project might be better integrated with the evolving Parks Development Unit within the Department of Public Works.".

We agree that there is a relationship between some of the functions that the Parks Division of the Public Works Department performs and the tasks carried out by the Community Renewal Section of the Community Development Department but it has been illustrated, by previously tendered projects, that Public Works Staff can not implement projects as cheaply as some private contractors can. On three projects coordinated by the Community Renewal Section, that the Public Works Department bid on, outside contractors submitted lower prices in all of the instances. The prices received from the Public Works Department were in fact in the upper percentile of the bids received.

In Section 5.1 of the Concerns, listed on page 11, the Consultants suggest that there is no formal, ongoing measure of effectiveness for the unit. Presently, there are staff meetings held between the Co-ordinator of Community Renewal and the Community Renewal Officers on a regular basis. As well, there are staff meetings held on a regular basis, at a managerial level with the Director of Community Development. Performance appraisals are carried out at all levels within the Department. Similarly, the capital and current budget processes necessitate an overall review of the previously performed projects and goals for future years. These processes are not possible without this type of analysis.

The Review Team also points out that the staff members in the Community Renewal Section generally have behavioural science rather than technical backgrounds. For the purposes of rebuttal, we can divide the Community Renewal Section into two basic functions: a technical implementation stage and a social planning stage. During the hiring process, one must make a decision about hiring the best possible candidate. Whether the future employee has the technical education and background or has the social service education and background still leaves you with an either or situation which necessitates extra training on the job experience in one or the other of the fields. It is for this reason, that the incumbents should be sent to City sponsored training programs to upgrade on the technical aspect of the job. If one expects that those performing the Community Renewal functions would have both of these backgrounds then the existing pay level would require reevaluation and upgrading.

Notwithstanding this for all Community Renewal projects coordinated through the Department of Community Development, a consultant is hired to work with City and Regional staff and the public, to advise on matters requiring technical/design input.

HOUSING LOANS

The Department acknowledges that the Ontario Home Renewal Programme (OHRP) Fund is substantial but our ability to commit the funds is beyond our responsibility as the Programme Guidelines developed by the Province no longer reflect present income levels of applicants. This will be resolved shortly and funds will once more be committed as the need and demand for rehabilitation funds continue.

It is anticipated that this fund will be fully committed within three or four years assuming the pending Provincial changes are positive. It should be noted that these are Provincial funds and they cannot be used for any other purpose.

The loans section over the years has attempted to reduce the drop out rate but because of the voluntary nature of the programme, it is impossible to force people to finalize their applications. The reasons for dropping out have been analyzed on more than one occasion and some of the reasons are as follows:

a) not enough grant to cover all work
b) work owner wants to undertake not eligible
c) income verified at higher level than originally reported
d) owner decides to sell
e) owner not prepared to do all work required and partial rehabilitation not permitted
f) inspection done and owner proceeds on own
g) death of applicant
h) not owner of property

The Department has requested a micro-computer, and related software to help in the monitoring and delivery of the twenty (20) various loan Programmes. If and when the micro becomes available, it will help monitor the drop-out rate, and aide in the flow of applications and help avoid unnecessary delays.

The observation that the Housing Loan Unit might fit more appropriately within the Treasury Department or with the Property Department cannot be rationally justified.

(1) The Department administers over twenty (20) different Programmes and only four (4) have any connection with the Treasury Department. Treasury provides a service of holding programme money and issuing cheques on these accounts based on Community Development's authorization. The money for other loan programmes are issued by the Province, Ontario Mortgage Corporation or Canada Mortgage and Housing Corporation.

(2) The Property Department's responsibilities involve the acquisition of property for Municipal or Regional Programmes, as well as maintenance responsibilities for City owned property. The loan programmes do not deal with acquisition and only apply to non-Municipal properties.

There is presently no overlap by any other department, and it is important that the Loan Programmes remain closely connected with the Business Improvement Area Programmes (B.I.A.'s) Downtown Revitalization Programmes and P.R.I.D.E. Programmes because of the Rental, Heritage, Convert-to-Rent and Facade Loan Programmes.

WATERFRONT PROJECT

In general, the Auditors assessment of the past and present status of the Waterfront Park Project is accurate. In addition, the Consultants correctly note that the future requirements of the Waterfront Project management and coordination will be determined by the results of the current, ongoing Waterfront projects and studies. However, the assumptions that the present Co-ordinator, (although perceived as "doing well"), is "working near the upper limits of his technical skill and experience with large projects", and that "the demands of the project may quickly outstrip his personal rate of development" are unfounded.

The Auditors state that "since there is a plan in place to monitor the ongoing structural needs of the Waterfront Project as new information is received, the review team believes that all appropriate action is being taken to promote ongoing effectiveness". This being the case, it would seem more appropriate to evaluate the capacities of the Co-ordinator at a time when the future direction of the Waterfront Project is clearly established, rather than to speculate on the management of an, as of yet, undetermined project.

It should also be noted that although provided as references, some significant contributors to the Waterfront Project were overlooked in the interview process. Among others, who should have been interviewed are the Mayor, Alderman Copps (Chairman, Waterfront Parks Sub-committee), Alderman Hinkley and Mr. J. Berridge, Landscape Design Consultant for the 1985 Waterfront Master Plan.

MUNICIPAL NON-PROFIT HOUSING CORPORATION

* Over the past year it has become apparent that with the existing inventory of Municipal Non-Profit Housing units and the potential for additional development, current staff levels cannot be maintained. Currently, the M.N.P.H.C. has an inventory of 192 existing units with an additional 66 units in the planning stages. In addition, Provincial commitments for 300 units have been received, for development over the next 3 to 5 years.

As a result of these ongoing concerns, on March 31, 1989, a report on a proposed staff re-organization for the M.N.P.H.C. was presented to the Board of Directors of the Corporation. The report recommended the following additional staff services be provided by the appropriate departments to meet non-profit housing corporation's request for additional services, on a charge-back basis:

i) The Property Department -
   a) a Senior Property Manager and clerk typist in the Architectural Division; and,
   b) 610 man hours of staff time from the Real Estate Division.

ii) Treasury Department -
   a Housing Accountant

iii) Community Development Department -
   an Assistant to the General Manager

On April 7, 1989, the Board of Directors approved the above changes.

At this point in the development of the Non-Profit Housing Corporation, it was suggested that the purchase of service from various departments should be pursued rather than providing for more M.N.P.H.C. staff. The basis for this recommendation is that current levels of development and operation do not require full-time staff. As a result, the M.N.P.H.C. will only be charged for part of the new staff member's time contributed to non-profit housing. All costs associated with the reorganization will be covered by the Non-Profit Program.

As a result of these additional staff members, it is suggested that concerns identified in the Comprehensive Audit Report, will now be addressed. For example, with the addition of technical expertise in the Treasury Department and Architect's Department, it is hoped that the General Manager will have the appropriate technical skills in order to properly monitor and oversee the construction of new residential development as well as maintain the appropriate financial review and accountability, as suggested.

In addition, it should be noted that for the development of each M.N.P.H.C. project, a project architect is hired to develop plans for the construction of the development, as well as, oversee construction. The project architect is responsible for all of the construction activity occurring during the development of the project.

On this basis all the necessary expertise in order to develop and maintain M.N.P.H.C. is available to the General Manager.

* Kiwanis Non-Profit Homes had been selected through a tendering process to be the property managers for the M.N.P.H.C. Ongoing review has occurred by the Board of Directors annually. In 1989, review of Kiwanis contract will be undertaken by the Board of Directors in the late summer/fall which at that time the Board may wish to tender for the property managers. It should be noted that to date, Kiwanis has done an excellent job for the M.N.P.H.C. and managed the projects through the provision of a maximum level of property maintenance and good tenant relations.

* Investigations are currently ongoing to examine opportunities for the amalgamation of the M.N.P.H.C. with the Hamilton Housing Company Limited. It is expected that a report on this issue will be submitted to the respective Board of Directors this Fall.

* Inferences are made on Page 18 that construction deficiencies at 772 Upper Paradise, the first M.N.P.H.C. project, are a result of the qualifications of the current and past General Manager of the M.N.P.H.C. It should be noted that the responsibility for the development of this project was with the City Architect's Department, which provided the required construction experience. Further, this was a turn-key project and different from all subsequent projects which do not have any serious construction defficiencies.

Construction deficiencies have been identified and steps are being taken to remedy them.

* Regarding comments on page 18 on construction delays, it should be noted that serious delays had only occurred in one project: the Wentworth St. School. Delay in the construction of the school, at that time, should be attributed to construction difficulties as a result of reconstruction of an existing building. It should be further noted that construction of the latest M.N.P.H.C. project at 1150 Limeridge Road East appears to be ahead of schedule at this time.

* Regarding comments that the M.N.P.H.C. does not provide any better or different housing than what could be provided by the private non-profit sector, it should be noted that the City has now taken steps to provide unique housing within Hamilton. For example, the renovations of the Wentworth Street School, the establishment of housing for single persons and the provision for second stage housing for battered women within M.N.P.H.C. projects.

The Department is also presently negotiating with the Province of Ontario on a Housing Agreement which will include innovative approaches to Non-Profit Housing geared to the Hamilton market.

In addition, the M.N.P.H.C. has received a reserve allocation of 300 units under the Homes Now Program that would not have been likely designated within the City, if the M.N.P.H.C. did not exist.

* Also a landbanking program in the City of Hamilton would be extremely expensive to implement considering the cost of purchasing and carrying costs associated with these lands for a period of five years or more.

It should be noted that a landbanking program would significantly differ from the current $5 million dollar land acquisition program in which funds are used to up-front the capital costs associated with the purchase of sites for M.N.P.H.C. These funds are traditionally used for the short term and are repaid once mortgage commitment funds had been available.

It is expected that funds which would be substantially larger than the current $5 million dollar program, would have to be required in order to implement an effect landbanking program.

* It should be noted that all funds for the development and operation of M.N.P.H.C. projects are recovered through the following:

1) rental income from tenants occupying the units;
2) Provincial subsidies;
3) federal subsidies through C.M.H.C.

As a result, M.N.P.H.C. projects can be operated and developed at no or little cost to the City.

* It should be noted that the only private non-profit developer interviewed in the City of Hamilton was Louis Serafini, who is a private developer. It is questioned why groups such as Kiwanis Non-Profit Homes, Victoria Non-Profit Homes and Jubilee Consulting were not also interviewed in order to determine the local perspective on the M.N.P.H.C.

* In order to assist in the implementation of the Report's recommendations, particularly those dealing with the need for financial accountability and meeting current workload requirements, it is suggested that 2 micro computers be provided for existing staff.

FOR ACTION

6.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 November 16
COMM FILE:
DEPT FILE: (2719)

SUBJECT: **Capital Projects for 1990 - 1994**

RECOMMENDATION:

That the following projects of the Hamilton Housing Company Ltd. be forwarded to the Co-Ordinating Committee for consideration in the 1990-1994 Capital Budget:

Project	Cost	Year
(1) Upgrade Heating and Electrical System - Macassa Park Senior Citizen Apartments	$165,000	1990
(2) Upgrade Heating and Electrical System - Ada Pritchard Senior Citizen Apartments	$450,000	1991

D. W. Vyce

FINANCIAL IMPLICATIONS:

The cost of the above projects is $615,000.

BACKGROUND:

The provision for the upgrading of the heating and electrical systems at the Macassa Park Senior Citizens Apartment Buildings was contained in the 1989-1993 Capital Budget. Therefore, this current submission is actually a continuation of the sum of $150,000 reflected in last years Capital Budget, but increased slightly after receipt of our Engineering Consultants report.

The same Engineering Consultant has indicated that the cost to upgrade the three Senior Citizen Buildings known as the Ada Pritchard Apartments on Macassa Avenue would cost $450,000 in 1991 dollars.

Background continued ...

The heating system of the buildings is original (approximately 28 years of age) and has been the source of constant repairs and complaints of heat control from tenants.

Attach.

c.c. Mr. E. C. Matthews, City Treasurer
Attention: Mr. B. Hotrum
Attention: Mr. R. Underhill

Mr. R. Swan, Manager, Property Maintenance Division

Mr. R. Martiniuk, Manager, Architectural Division

Mr. M.C.J. Watson, Manager, Real Estate Division

Mr. J. Thompson, Secretary, Hamilton Housing Company Ltd.

City of Hamilton
Treasury

1990-1994 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Hamilton Housing Company Limited
2. (a) PROJECT NUMBER:
   (b) PROJECT NAME: To Upgrade Heating & Electrical Systems - Macassa Park Senior Citizen Apartments.
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

   To upgrade the heating system and to modernize the electrical system at the Macassa Park Senior Citizen Apartments.

4. (a) PROJECT STARTING DATE: Spring 1990
   (b) PROJECT FINISHING DATE: August 31, 1990
   (c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED:
5. (a) GROSS COST OF PROJECT IN YEAR-OF-START DOLLARS: $ 165,000
   (b) LESS SUBSIDIES AND OTHER RECEIPTS: $
   (c) NET CITY'S COST: $

			NO. OF PERSON YEARS CREATED
6. (a) YEAR OF EXPENDITURE	- 1990	$ 165,000	
	- 1991	$	
	- 1992	$	
	- 1993	$	
	- 1994	$	
	- 1995 & after	$	
(b) TOTAL NUMBER OF PERSON YEARS CREATED:			

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT:
8. ADDITIONAL ANNUAL OPERATING COST: $
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

   Seniors may have to vacate building

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
    NO ☐ YES ☒ - AT CITY'S COST OF $ 150,000
    - SCHEDULED TO START IN THE YEAR 1990

Signature of Department Head/Local Board Manager (for Standing Committee)

Nov 16/89.
Date

Signature of C.A.O. (for Executive Committee)

Date

Rev. 89/09/12

City of Hamilton
Treasury

1990-1994 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Hamilton Housing Company Limited
2. (a) PROJECT NUMBER:
   (b) PROJECT NAME: To Upgrade Heating & Electrical Systems - Ada Pritchard Senior Citizen Apartments.
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:

   To upgrade the heating system and modernize the electrical system at the Ada Pritchard Senior Citizen Apartments.

4. (a) PROJECT STARTING DATE: Spring 1991
   (b) PROJECT FINISHING DATE: August 1991
   (c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: ———
5. (a) GROSS COST OF PROJECT IN YEAR-OF-START DOLLARS: $ 450,000
   (b) LESS SUBSIDIES AND OTHER RECEIPTS: $ ———
   (c) NET CITY'S COST: $ ———

			NO. OF PERSON YEARS CREATED
6. (a) YEAR OF EXPENDITURE	- 1990	$ ———	———
	- 1991	$ 450,000	———
	- 1992	$ ———	———
	- 1993	$ ———	———
	- 1994	$ ———	———
	- 1995 & after	$ ———	———
(b) TOTAL NUMBER OF PERSON YEARS CREATED:			———

7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: ———
8. ADDITIONAL ANNUAL OPERATING COST: $———
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:

   Seniors may have to vacate buildings.

10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?

    NO [X] YES [ ] - AT CITY'S COST OF $———
    - SCHEDULED TO START IN THE YEAR ———

D. Willmee

Signature of Department Head/Local Board Manager (for Standing Committee)

Nov. 16, 1989.

Date

Signature of C.A.O. (for Executive Committee)

Date

Rev. 89/09/12

NC

7.

FOR ACTION

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 November 21
COMM FILE:
DEPT FILE: 20.1.295
(4504)

SUBJECT: **Extension of Closing Date - City Sale to Mercanti Management Inc. - North half Part 1, All Part 5, 62R-8770 - Upper Ottawa Street**

RECOMMENDATION:

(a) That Item 8 of the 17th Report of the Planning & Development Committee as approved by City Council on July 25, 1989 be amended as follows:-

(i) the closing date be extended from November 21, 1989 to February 22, 1990.

(ii) the construction commencement date in paragraph 6.3.1 of the Purchase Agreement be extended from March 21, 1990 to September 22, 1990.

(iii) the construction completion date in paragraph 6.3.2 of the Purchase Agreement be extended from March 21, 1991 to September 22, 1991.

(b) That all other terms and conditions remain the same and time shall be of the essence.

D. W. Vyce

FINANCIAL IMPLICATIONS: - *N/A*

BACKGROUND:

This department has received a request from Mercanti Management Inc. as to the possibility of extending the closing date on their purchase from the City on Upper Ottawa Street. They require more time in order to arrange satisfactory financing of the project.

This department is prepared to support an extension to February 22, 1990 in order to assist this developer.

c.c. - Mr. P.R.A. Hooker, Acting City Solicitor - Attention: Mr. L. Farr
- Mr. E.C. Matthews, City Treasurer
- Mr. R. Douglas, Supervisor of Surveys
- Mr. S. Ghanem, Director Economic Development - Attn: Mr. S.Galbraith

8a.

FOR ACTION

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: November 21, 1989
COMM FILE:
DEPT FILE: S703-60

SUBJECT

"CANTELMI COURT", Hamilton
(Cash payment in lieu of 5% Parkland Dedication

RECOMMENDATION

That the City of Hamilton accept the sum of $9,625.00 as cash payment in lieu of 5% parkland dedication in connection with "Cantelmi Court", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

G. S. Spencer
Commissioner of Engineering

FINANCIAL CONSIDERATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Plan is attached for your information.

In accordance with normal City procedures, staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the Subdivision Agreement has been calculated to be $9,625.00.

Note: These lands are located north of Rymal Road and west of Upper Ottawa Street in the Templemead Neighbourhood, Hamilton.

DVC:klv

cc: D. Consoli, City Treasury Department
cc: L. Farr, City Solicitor's Department

8b.

FOR ACTION

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM; G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: November 21, 1989
COMM FILE:
DEPT FILE: S711-12

SUBJECT

"KINGSBERRY GARDENS - PHASE 4", Hamilton
(Cash payment in lieu of 5% Parkland Dedication

RECOMMENDATION

That the City of Hamilton accept the sum of $50,000.00 as cash payment in lieu of 5% parkland dedication in connection with "Kingsberry Gardens - Phase 4", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

G. S. Spencer
Commissioner of Engineering

FINANCIAL CONSIDERATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Plan is attached for your information.

In accordance with normal City procedures, staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the Subdivision Agreement has been calculated to be $50,000.00.

Note: These lands are located north of Limeridge Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

DVC:klv

cc: D. Consoli, City Treasury Department
cc: L. Farr, City Solicitor's Department

9.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Nov. 8, 1989
COMM FILE:
DEPT FILE: P5-2-69

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Residential Enclave Acquisition

RECOMMENDATION:

That the enclaves acquisition program for Alpha East (east of Sherman), Leeds, Biggar and Stapleton be put on hold. That the remaining properties in Alpha West (west of Sherman) be acquired under the current acquisition program.

That the costs of acquisition and sale price of industrial land be monitored and a re-evaluation of the program carried out next year in conjunction with the Business Land Use Advisory Board.

That a budget proposal not be forwarded to the Co-ordinating Committee for consideration for inclusion in the 1990-1994 City of Hamilton capital budget.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning.

J. D. Thoms, M.C.I.P.,
Commissioner,
Planning and Development Department.

BACKGROUND:

- A budget for the residential enclaves was established for 1987 - 1990 for a total of $3M as follows:
  - $ 1,350,000 from the City
  - $ 750,000 from the Region
  - $ 900,000 from Industrial Sales
- The clearance program included acquisition of:
  - 55 properties in Alpha

- 18 properties in Biggar
- 10 properties in Stapleton

107 properties in total

- In 1989 $1M was added to the budget for both 1991 and 1992 to reflect the increased cost of acquiring property.

- 16 properties are being expropriated to complete acquisition in Alpha West at an estimated cost of $1,600,000. Approximately $1,600,000 remains from previous budget allocations.

- 68 properties remain to be purchased in Alpha East, Leeds, Biggar and Stapleton.

- Sale of land in Alpha West is expected to yield about $850,000 for approximately 2.5 acres of land.

- In 1986, it was estimated that properties on average cost $28,000 to acquire. In 1988, it was estimated that properties on average cost $47,000 to acquire. In 1989, it is estimated that properties on average will cost up to $100,000 including costs and entitlements to acquire.

- The following table shows estimated costs and returns of completing acquisition in Alpha East, Leeds, Biggar and Stapleton:

	Acres	Acquisition ($M)	Sale of Land ($)
Alpha East	0.9	1.6	$ 315,000
Leeds	1.7	2.4	$ 595,000
Biggar	1.0	1.8	$ 350,000
Stapleton	0.6	1.0	$ 210,000
	4.2	**6.8**	**$ 1,470,000**

Expenditure (acquisition)	$ 6,800,000
Receipts (sale of land)	$ 1,470,000
Net Loss	**$ 5,330,000**

- The Region are currently reviewing their role in the residential enclaves program as part of an industrial development program.

- The Business Land Use Advisory Board considered the issue at their meeting on November 8, 1989 and recommended the re-evaluation be done in conjunction with their deliberations.

ANALYSIS:

- The City is committed to proceeding with the 16 properties in Alpha West that are under expropriation. These are expected to cost $1.6M over the next two years.

- The advantages of proceeding with acquisition of Alpha East, Leeds, Biggar, Stapleton are:

  (1) 4.2 acres of industrial land would be made available;

  (2) Increased assessment is likely to be generated;

  (3) More jobs would be created;

  (4) Isolated pockets of outworn housing would be cleared;

  (5) Housing in poor environmental conditions would be removed.

- The advantages of not proceeding would be:

  (1) 68 affordable houses would remain;

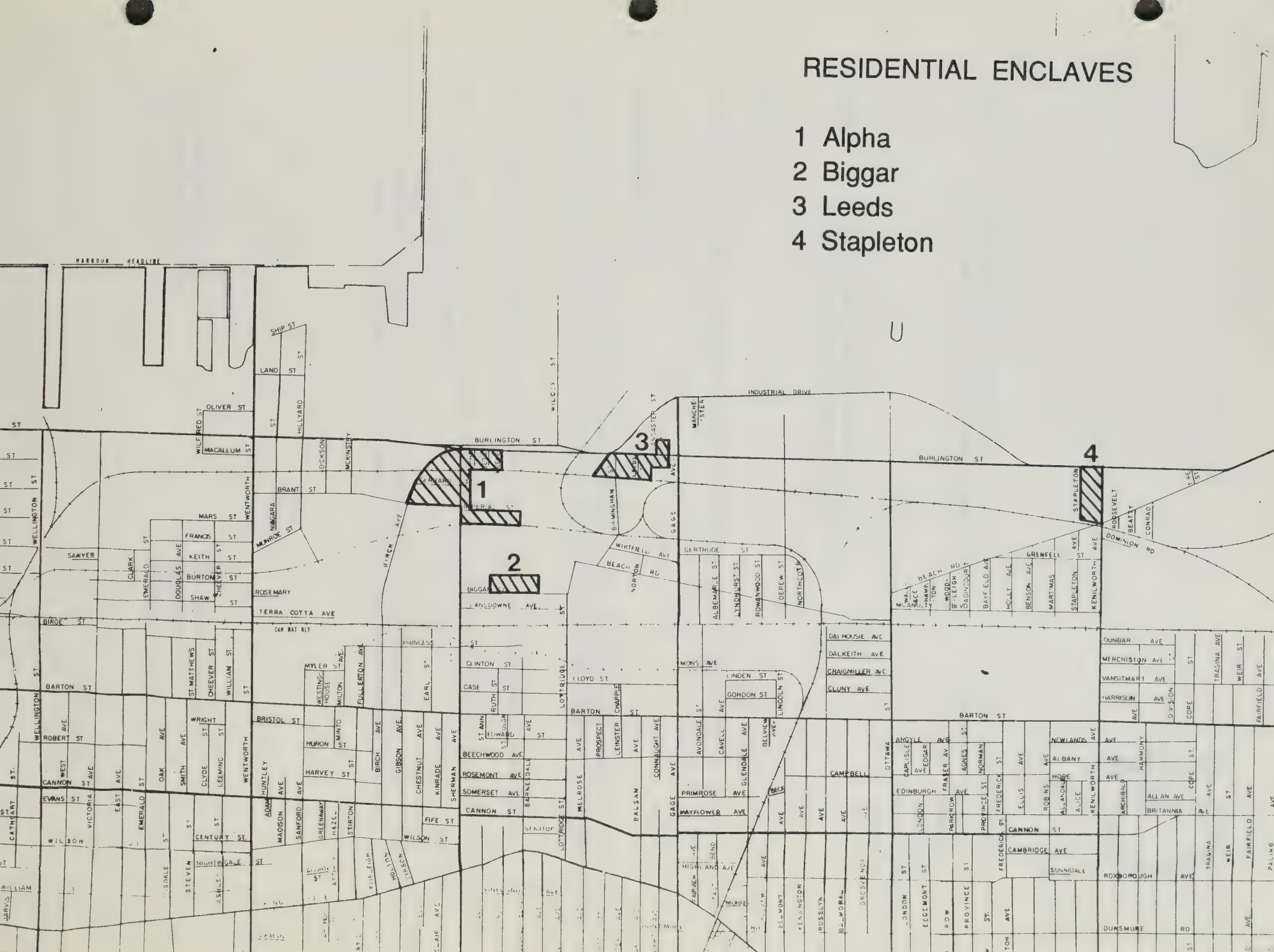
  (2) Residents would not need to relocate.

  (3) The net cost of an estimated $ 5,330,000 would be avoided.

CONCLUSION:

Increased cost of removing housing in the residential enclaves raises questions about the validity of continuing the acquisition program. It is felt that the program should not proceed beyond current commitments until the differential between expenditure on acquisition and receipts from the sale of industrial land is reduced. The situation should be monitored and the program re-evaluated next year in conjunction with the Business Land Use Advisory Board. The budget money previously allocated should be enough to offset the cost of acquiring the last 16 properties in Alpha West over the next 2-years. If the cost of acquisition exceeds the budget over the next 2-years, there would be need to allocate additional funds in future.

DG/ll
Attach.
Neigh.Gen


RESIDENTIAL ENCLAVES
1 Alpha
2 Biggar
3 Leeds
4 Stapleton
HARBOUR HEADLINE
BURLINGTON ST
INDUSTRIAL DRIVE
BARTON ST
CANNON ST
WILSON ST
FIFTY ST
BRISTOL ST
MARS ST
TERRA COTTA AVE
ROSEMARY
DOMINION RD
GERTRUDE ST
LANDOWNE AVE
MONS AVE
LINDEN ST
GORDON ST
DALHOUSIE AVE
DALKEITH AVE
CRAIGMILLER AVE
CLUNY AVE
CAMPBELL
PRIMROSE AVE
MAYFLOWER AVE
BEECHWOOD AVE
ROSEMONT AVE
SOMERSET AVE
EDINBURGH
CAMBRIDGE AVE
SUNNIDALE
ROXBOROUGH
DUNSMURE RD
DUNBAR AVE
MERCHISTON AVE
VANSITMART AVE
HARRISON AVE
ALLAN AVE
BRITANNIA
NOWLANDS AVE
ALBANY
HOPE
ARGYLE AVE
BEACH RD
GRENFELL ST
DUNDURN
HOLLY AVE
BENSON AVE
MARTMAS
STAPLETON
KENILWORTH
ROOSEVELT
BEATTY
CONRAD
TYE ST
WILLOW ST
MANCHESTER
BIRMINGHAM
GAGE AVE
WHITFIELD AVE
BEACH RD
NORTON
ALBEMARLE ST
LYNDHURST ST
ROWANWOOD ST
DEPEW ST
NORTHCOTE
MACALLUM ST
OLIVER ST
SHIP ST
LAND ST
HILLYARD
DICKSON
MCKINSTRY
BRANT ST
MUNRO ST
NIAGARA
WENTWORTH
WILLIAM ST
CHEEVER ST
MATTHEWS
SMITH AVE
OAK AVE
EMERALD ST
CLARK
DOUGLAS AVE
FRANCIS ST
KEITH ST
BURTON ST
SHAW ST
SAWYER
BIRGE ST
CAR HAT ALY
MYLER ST AVE
WESTINGHOUSE
MILTON
FULLERTON AVE
EARL ST
PRINCESS ST
CLINTON ST
CASE ST
RUTH ST
LLOYD ST
LOTTRIDGE
CHAPPLE
PROSPECT
LEINSTER AVE
CONNAUGHT AVE
BALSAM
MELROSE
BARNESDALE
ST ANN
EDWARD ST
AVONDALE
CAVELL
GLENDALE
BELVIEW
LINCOLN ST
OTTAWA
CAPLISLE
EDGAR
FRASER AVE
AGNES
NORMAN
FREDERICK ST
PROVINCE ST
ELLIS AVE
ROBINS
ALMONDALE
ALICE
KENILWORTH
ARCHIBALD
HARMONY
COPE ST
TRAGINA AVE
WEIR ST
FAIRFIELD AVE
DIVISION
ROBERT ST
WRIGHT
CLYDE ST
LEEMING ST
HURON ST
MINTO ST
HARVEY ST
BIRCH AVE
GIBSON AVE
CHESTNUT AVE
KINRADE AVE
SHERMAN AVE
HUNTLEY
ADAM
MADISON AVE
SANFORD AVE
GREENWAY
HAZEL
STIRTON
FIFE ST
CENTURY ST
NIGHTINGALE ST
STEVEN
ASHLEY
EVANS ST
CATHCART
VICTORIA
EAST AVE
WEST
CANNON ST
WILSON
WILLIAM
JARVIS
HIGHLAND AVE
FAIRVIEW
BELMONT
PENNINGTON
ROSSLYN
BELMORA
CRESCENTWOOD
LONDON ST
EGGEMONT ST
POW
PROVINCE ST
FREDERICK ST
CAMBRIDGE AVE
SUNNIDALE
ROXBOROUGH
DUNSMURE RD
TRAGINA AVE
WEIR ST
FAIRFIELD AVE
PALLING

10.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 30 1989
COMM FILE:
DEPT FILE: DA-89-72
Ainsliewood
Neighbourhood
(DA-88-60)

FROM: J. D. THOMS, COMMISSIONER,
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-89-72 for a public storage warehouse at 66 Ewen Road.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-89-72 by 627791 Ontario Inc., c/o Aries Construction, owners of lands known as 66 Ewen Road for a public storage warehouse subject to the following:

(i) modification to the plans in relation to notes and dimension as marked in red on the plans.

(ii) approval by the Committee of Adjustment to permit a reduced lot width of 20.117m minimum instead of the required 30.0 minimum.

(iii) submission of a landscape plan as red-lined or alternate submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

Plans have been submitted for a public storage warehouse at 66 Ewen Road. The two (2) storey building will have a gross floor area of 751.32 M^2 with seven (7) parking spaces and one (1) loading space provided on the lot. The exterior of the building will be constructed of architectural concrete block, prefinished metal siding and fascia. A landscape treatment has been proposed along Ewen Road and within the rear yard.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has reviewed the grading plan and has found it to be satisfactory. However, the grade of the access within the road allowance is not to exceed 30% and the wood privacy fence should be recessed 3.0m from the widened street line. Any objects or vegetation within the 5m x 5m daylight vision triangle are not to exceed a mature height of 0.8m above the perpendicular centre-line elevation of Ewen Road. The above-mentioned should be revised as red-lined on the plan.

The Building Department has reviewed the plan submitted and has forwarded the following comments:

(1) The proposed southerly side yard should be increased to at least 2.1m rather than 2.01m. The required side yard is 13/100th of an inch and no block layer could stay within this tolerance and the applicant would have to go back to the Committee of Adjustment.

(2) A lot width of 30.m is required, shown is 20.065m.

(3) The rear steps and landing cannot project into the required 7.5 landscape area.

(4) The 1 car and 1 loading space add up to 6.5m in width. The plan scales 6.2m at the corner of the building where they come together.

(5) No dumpster or detached storage container can be placed on the concrete pad on the north side as these are considered accessory structures and are permitted only in the rear yard. In this situation it cannot go into the landscape rear yard. A note to this affect should be placed on the plans.

The plan should be revised as red-lined and the applicant should file an application with the Committee of Adjustment for a reduced lot width.

The Traffic Department has reviewed the plan submitted and has found it to be satisfactory.

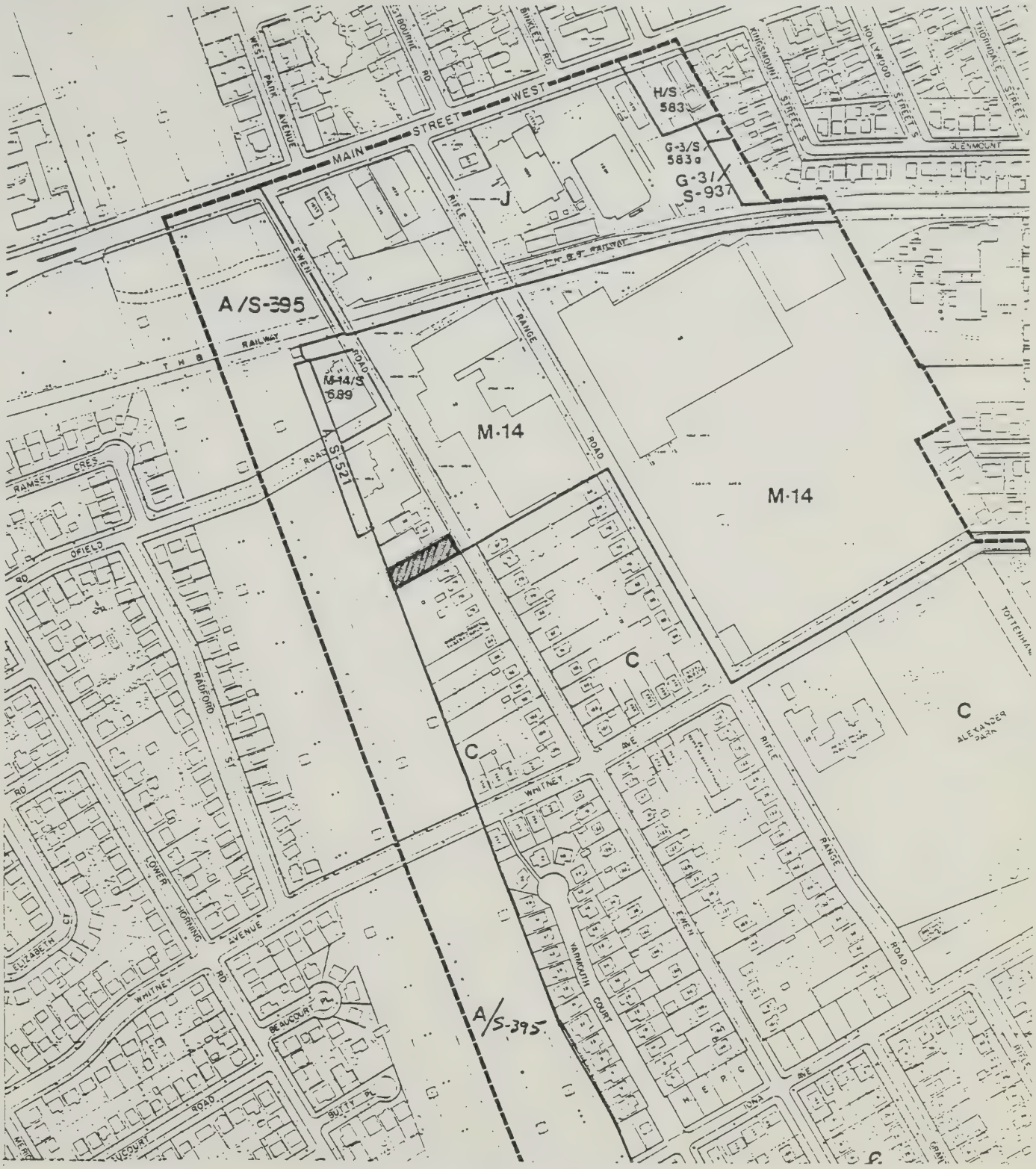
COMMENTS:

Various modifications are required to the plan in relation to notes and dimension and have been marked in red on the plan.

The landscape treatment would be enhanced by the introduction of a few deciduous trees, as shown in red on the plan. The landscape plan should be revised as redlined on the plan or alternately a revised landscape plan should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

Furthermore, the present parcel of land was created in 1964 while the lands were zoned "J" (Industrial) District and did not require a minimum lot width. Subsequently, the area was rezoned under a City Initiative from "J" (Industrial) to "M-14" (Prestige Industrial) District which requires a minimum lot width of 30.0m. The variance to reduce the lot width from 30.0m to 20.117m can be supported since it is an existing situation. The applicant should file an application with the Committee of Adjustment.

JL/ll/ma
DA8972



AINSLIE WOOD ZONING - I

PLAN SHOWING
LANDS SUBJECT TO

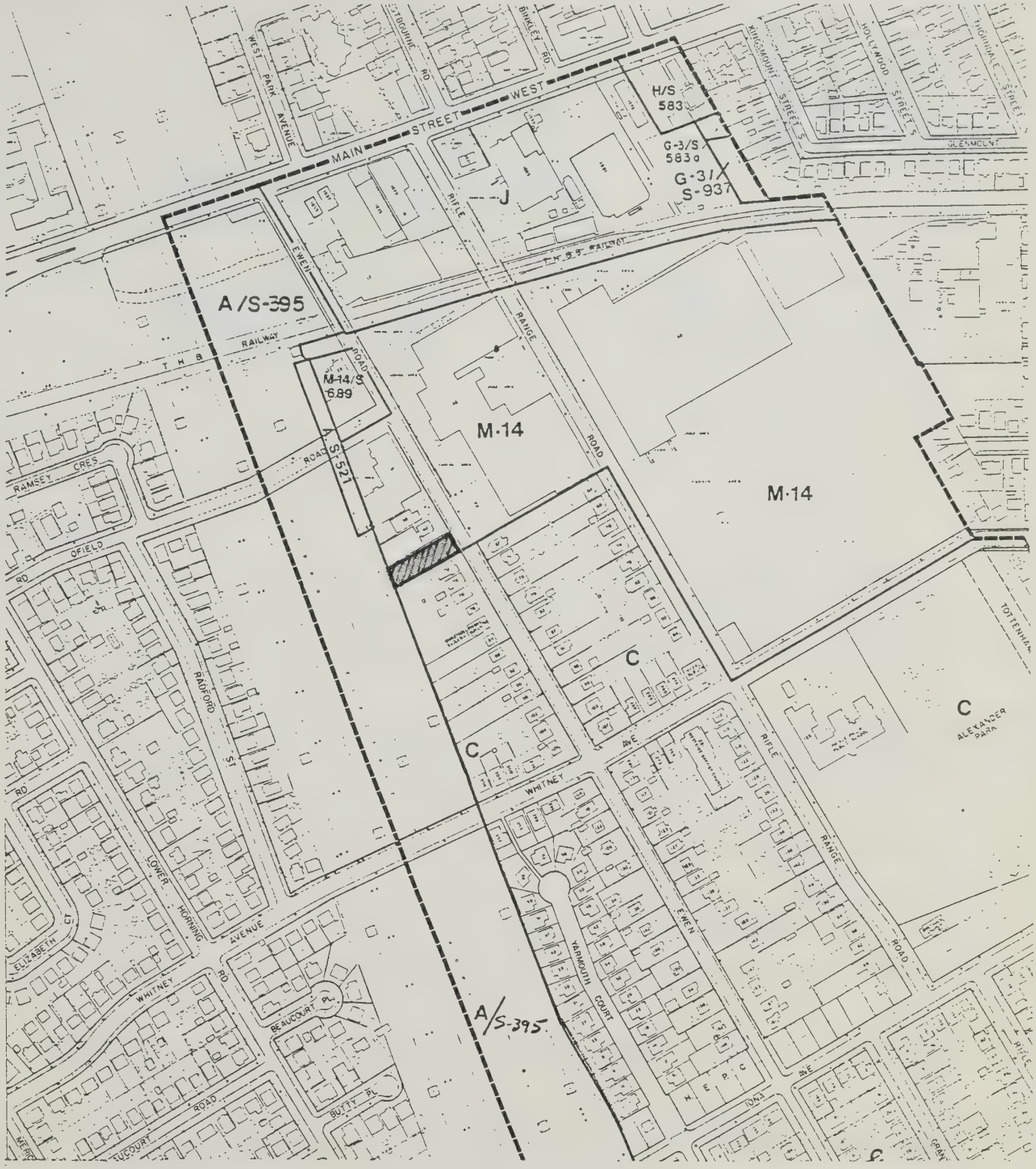
SITE PLAN CONTROL
APPLICATION DA-89-72

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-89-72
	Date	Drawing No.
	July, 1989	



AINSLIE WOOD ZONING - 1

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-89-72

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-89-72
	Date	Drawing No.
	July, 1989	

11a.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 NOV 1
COMM FILE:
DEPT FILES: SA-89-12
25T-89020

SUBJECT

Proposed Draft Plan of Subdivision

RECOMMENDATION

A) That approval be given to application SA-89-12 "Eastgate Heights Extension", Landmart Building Corporation, owner, to establish a draft plan of subdivision located at the easterly termination of Village Drive, north of Delawana Drive and west of Centennial Parkway, subject to the following conditions:

1. That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd., dated June 9, 1989, revised to show 2m x 2m daylight triangles at the intersection of Village Drive with Fairington Crescent and by deleting the area of Fairington Crescent.

2. That the street be dedicated as a public highway on the final plan.

3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

4. That the final plan conform with the Zoning By-law approved under The Planning Act.

5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

6. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

8. That Blocks "7" to "12" inclusive be developed only in conjunction with adjacent lands.

9. That all lots fronting on Fairington Crescent not receive final approval prior to the registration of Eastgate Heights plan of subdivision (25T-86009).
10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

B) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-12), Landmart Building Corporation, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been aproved by City Council.

C) That the neighbourhood plan be amended accordingly.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Landmart Building Corporation, Stoney Creek, Ontario

Surveyor

Ashenhurst Nouwens Ltd., Hamilton, Ontario

Location

The lands, comprising 0.552ha, are located at the the easterly termination of Village Drive, north of Delawana Drive and west of Centennial Parkway in the Kentley Neighbourhood, City of Hamilton.

Proposal

The owner proposes to establish 6 lots for single-family dwellings and 6 blocks for development with adjacent lands.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands would require a change from attached housing to single and double Residential.

Zoning - the lands are zoned "L-r" and Lmr-1" Planned Development Districts. An amendment to the zoning by-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs;
- Ministry of Transportation;
- Ministry of the Environment;
- Ministry of Natural Resources;
- Ministry of Culture & Communications;
- City of Hamilton Board of Education;
- Hamilton-Wentworth Separate School Board;
- Hamilton Region Conservation Authority;
- Union Gas, Bell Telephone, Ontario Hydro;
- City of Hamilton Traffic Department; and
- City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For information:

1. Sanitary sewers, storm sewers and watermains will be made available on Fairington Crescent in conjunction with the development of the plan of subdivision called Eastgate Heights (25T-86009). This will provide services for Lots 1 to 6 and Block "7" and "12".

2. Blocks "8" to "11" can be serviced to existing services on Village Drive at the westerly limit of this proposed plan.

Recommendations

1. The portion of Fairington Crescent within the boundaries of this plan was expropriated by the City of Hamilton on February 3, 1988 under Expropriation Plan 445070C.D. These lands are to be deleted from the approved draft plan. (Note: The surveyor has been advised of this point.)

2. Lands fronting on Fairington Crescent are not to be released for registration until the Final Plan for Eastgate Heights (25T-86009) has been registered.

3. Two (2) metre by two (2) metre daylight triangles are to be established at the intersection of Fairington Crescent and Village Drive.

4. The developer must enter into subdivision agreements with both the Regional Municipality of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of these lands.

The submitted plan, as prepared by John P. Nouwens., O.L.S. and dated July 5, 1989, is satisfactory to this Department subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the Neighbourhood Plan and the Zoning By-law are noted.

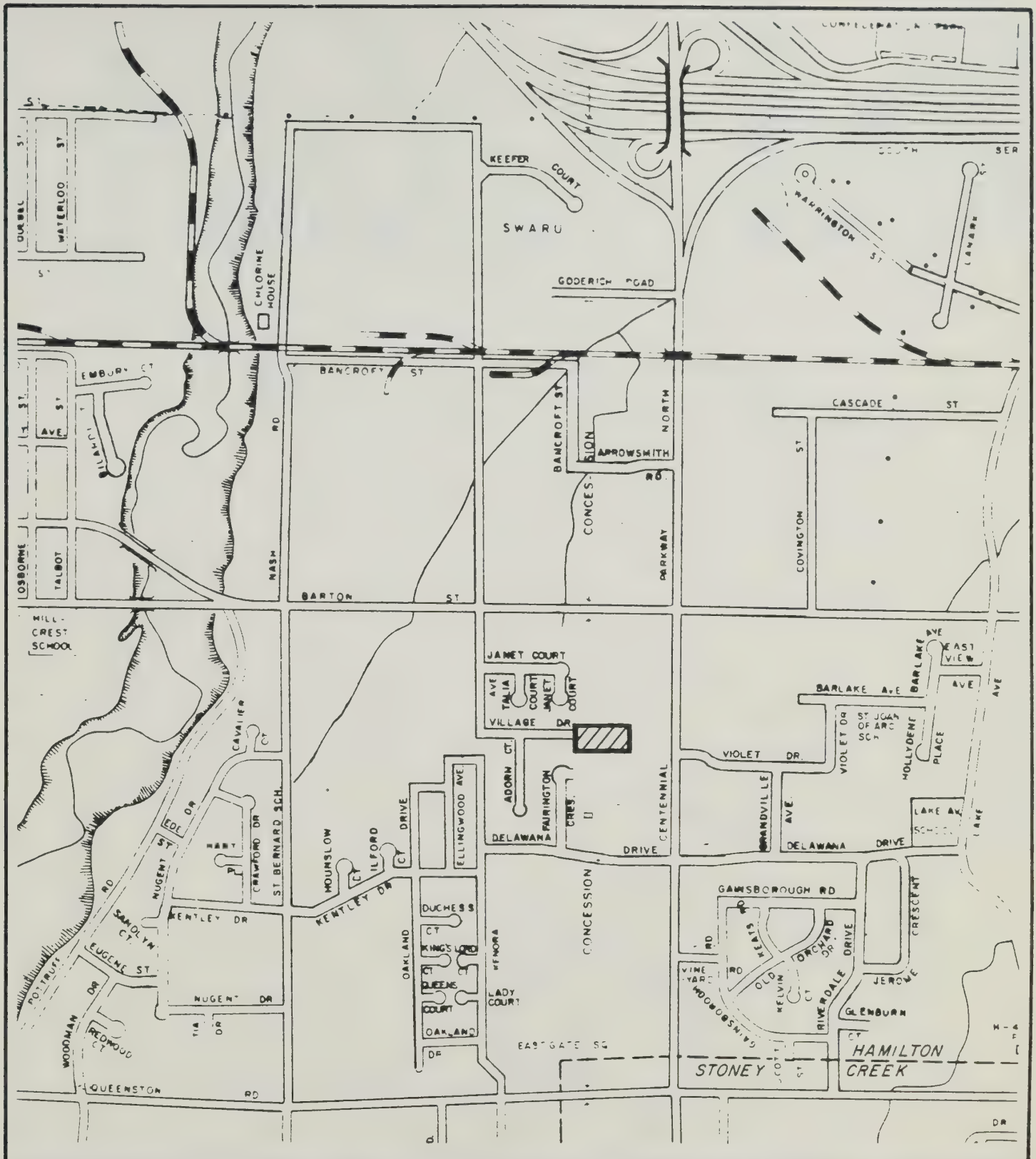
2. It has been noted that the lands of Fairington Crescent are already owned by the City of Hamilton and that the plan was revised accordingly.

3. The plan was further revised by showing two 2 metre x 2 metre daylight triangles at the intersection of Village Drive with Fairington Crescent.

4. As no part of the subject lands are designated park or recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement of this subdivision be taken as cash-in-lieu of land.

5. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.

JLS/jd



Location Plan For

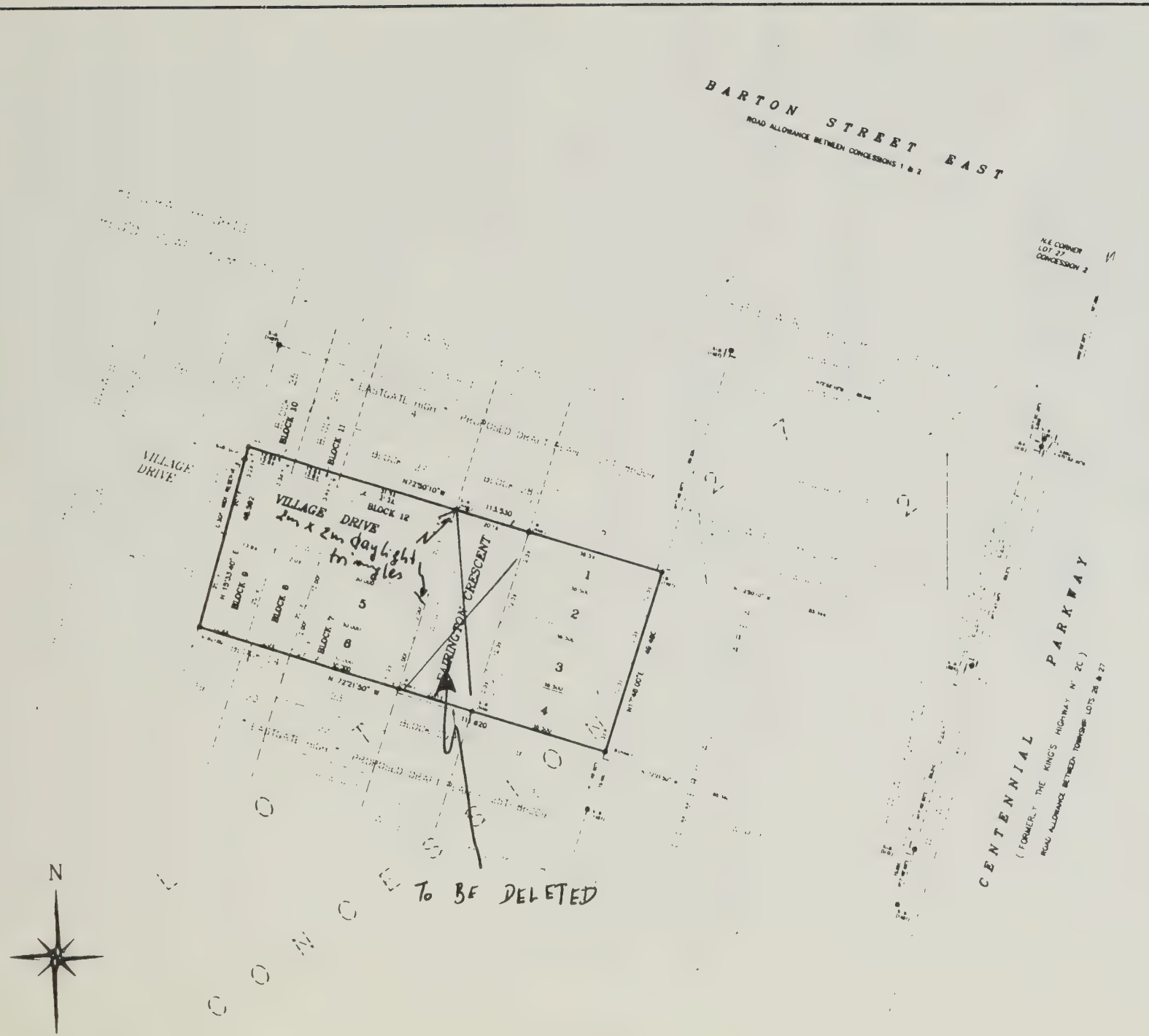
EASTGATE HEIGHTS EXTENSION

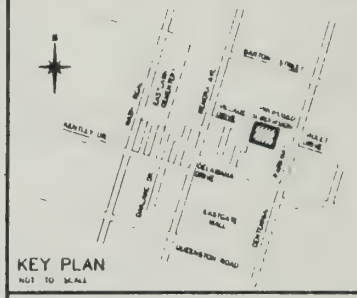
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N.T.S.	25T-89020
	Date	Drawing No.
	JULY 25, 1989	





KEY PLAN
NOT TO SCALE

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

I AM ACCORDANCE WITH THE SUBDIVISION ACT AND THE PLANNING ACT I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL

July 7th, 1989
DATE

LANDMART BUILDING CORP
PRESIDENT - MARIO ROQUE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN

July 5/89
DATE

JOHN P NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE : RE : SECTION 50(2)

A SHOWN
B SHOWN
C SHOWN
D RESIDENTIAL SINGLE FAMILY
E SHOWN
F SHOWN

G SHOWN
H MUNICIPAL WATER
I CLAY LOAM
J SHOWN
K ALL MUNICIPAL SERVICES
L NONE

TOTAL AREA 0.552 HECTARES

DRAFT PLAN OF

EASTGATE HEIGHTS EXTENSION

BEING A PROPOSED SUBDIVISION
OF PART OF
LOT 27 , CONCESSION 2
FORMERLY IN THE
TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE : 1 : 500 METRES

JOHN P. NOUWENS , O.L.S. - 1989.

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201 - 315 YORK BLVD
HAMILTON, ONTARIO L8R 3K8
(416) 529-8316
(416) 529-4314
FAX(416) 529-8651

BRANCH OFFICE
13A MAIN STREET EAST
GRIMSBY ONTARIO L3M 1M7
(416) 945-4569

11b.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1988 NOVEMBER 10
COMM FILE:
DEPT FILES: SA-89-17
25CDM-89020

SUBJECT

Proposed Draft Plan of Condominium.

RECOMMENDATION

That approval be given for application SA-89-17, "Rymal Industrial Estates", Dunston Developments Inc., owner, to establish a draft plan of condominium located on the east side of Upper Ottawa Street, north of Rymal Road, subject to the following conditions:

That this approval apply for the plan prepared by Guido Consoli Surveying Ltd., dated February 10, 1989.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Dunston Developments Inc. Hamilton, Ontario

Agent

A. B. Silver, Hamilton, Ontario

Surveyor

Guido Consoli Surveying Ltd., Hamilton, Ontario

Location

The lands, comprising 0.88 ha, are located on the west side of Upper Ottawa Street, north of Rymal Road in the Rymal Neighbourhood, City of Hamilton.

Proposal

The owner is in the process of constructing two buildings each with 10 industrial units.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Industrial Business Parks" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Industrial". The proposal complies.

Neighbourhood Plan - the lands are designated "Restricted Industrial - Commercial". The proposal complies.

Zoning - the lands are zoned "M12" Prestige Industrial Uses. The proposal complies.

Niagara Escarpment - the lands are not within the Development Control Area, therefore the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the development:

Ministry of the Transportation,
Ministry of Environment,
Ministry of Industry and Tourism,
Hamilton Region Conservation Authority,
Ontario Hydro, Union Gas and Bell Canada.

COMMENTS

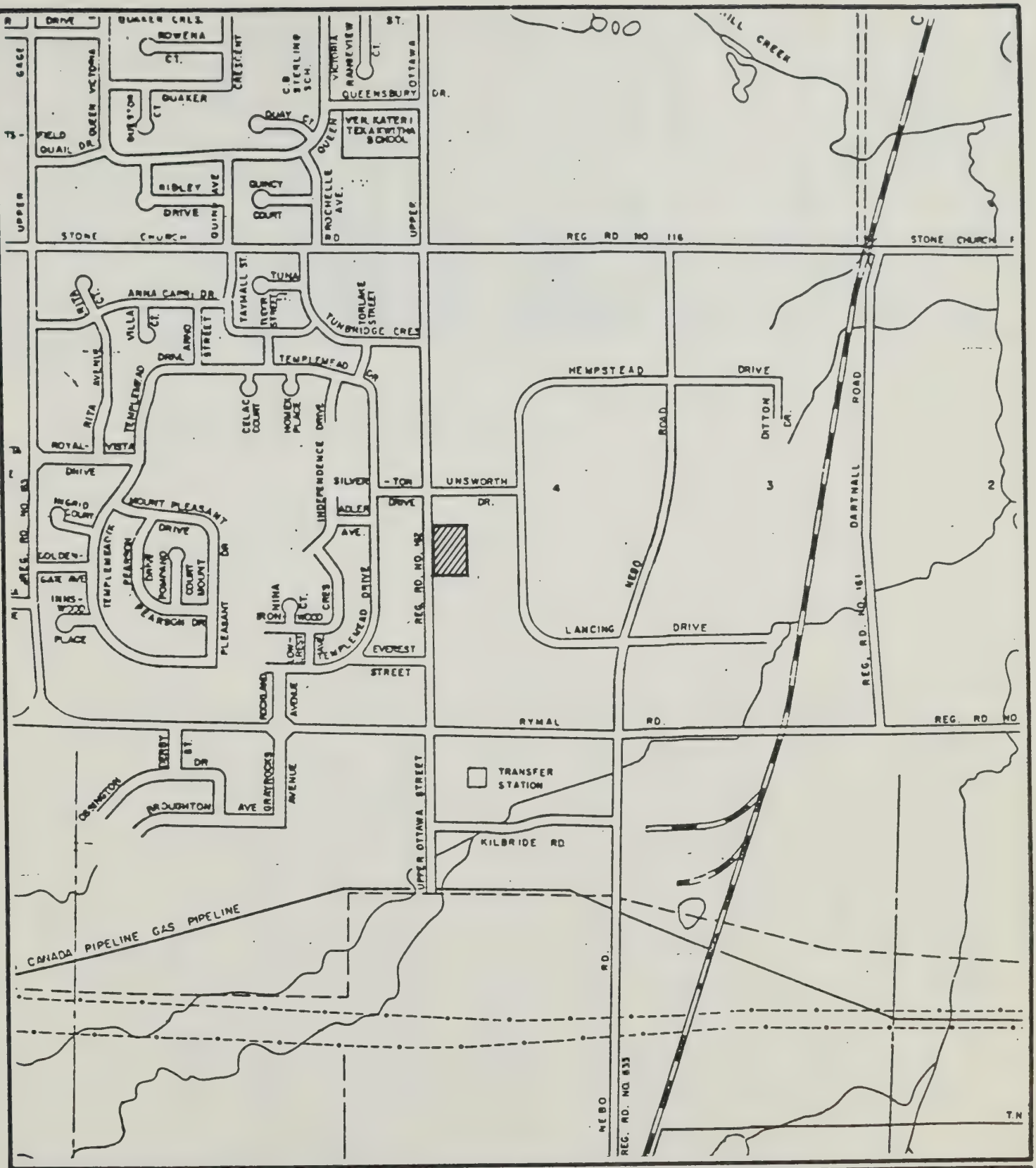
1. The conformity of the proposal with the Official Plans and Zoning By-law is noted.

2. No commenting agency has objected to the plan of condominium.

3. The lands of the proposed draft plan are Lots 48, 49 and 50 of Registered Plan 62M-489.

4. The owner received approval of a Site Plan under DA-87-120 plan of condominium conforms with the approved site plan, DA-87-120.

JLS/sw



Location Plan For

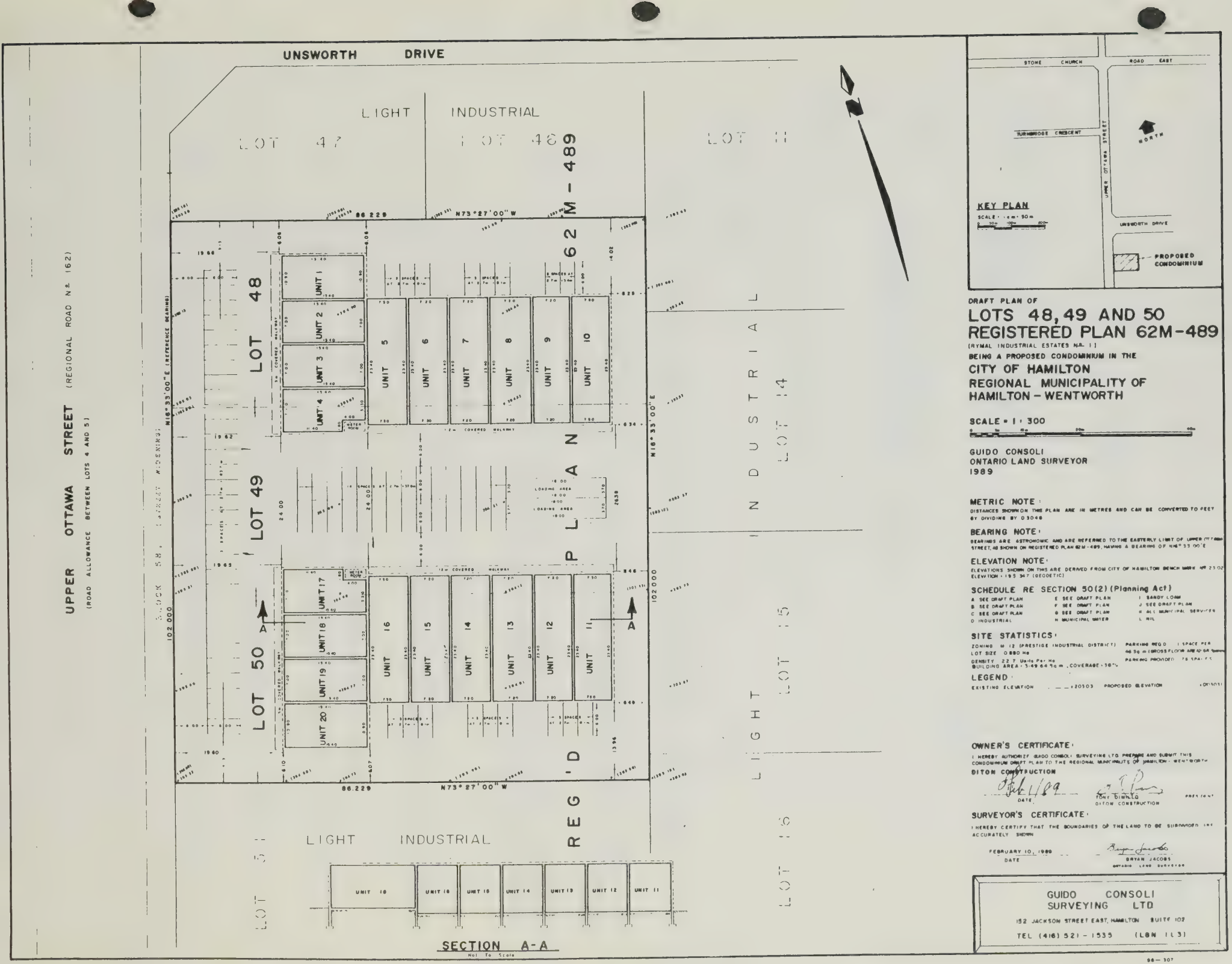
DRAFT PLAN OF
LOTS 48, 49 AND 50
REGISTERED PLAN 62M-489
(RYMAL INDUSTRIAL ESTATES No. 1)
BEING A PROPOSED CONDOMINIUM IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED CONDOMINIUM

North	Scale	Reference File No.
	NOT TO SCALE	25CDM - 89020
	Date	Drawing No.
	SEPT. 18, 1989	



DRAFT PLAN OF

LOTS 48, 49 AND 50 REGISTERED PLAN 62M-489

(RYMAL INDUSTRIAL ESTATES No. 1)

BEING A PROPOSED CONDOMINIUM IN THE

CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE = 1 : 300

GUIDO CONSOLI
ONTARIO LAND SURVEYOR
1989

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF UPPER OTTAWA STREET, AS SHOWN ON REGISTERED PLAN 62M-489, HAVING A BEARING OF N16°33'00"E

ELEVATION NOTE:
ELEVATIONS SHOWN ON THIS ARE DERIVED FROM CITY OF HAMILTON BENCH MARK No. 23 02 ELEVATION = 193.347 (GEODETIC)

SCHEDULE RE SECTION 50(2) (Planning Act)

A SEE DRAFT PLAN	E SEE DRAFT PLAN	I SANDY LOAM
B SEE DRAFT PLAN	F SEE DRAFT PLAN	J SEE DRAFT PLAN
C SEE DRAFT PLAN	G SEE DRAFT PLAN	K ALL MUNICIPAL SERVICES
D INDUSTRIAL	H MUNICIPAL WATER	L NIL

SITE STATISTICS:
ZONING M-12 (PRESTIGE INDUSTRIAL DISTRICT) PARKING REQ'D 1 SPACE PER 46.5 sq m (GROSS FLOOR AREA) OR fraction
LOT SIZE 0.880 Ha
DENSITY 22.7 Units Per Ha PARKING PROVIDED 78 SPACES
BUILDING AREA = 5149.64 sq m, COVERAGE = 58%

LEGEND:
EXISTING ELEVATION ---x20.303--- PROPOSED ELEVATION x20.303

OWNER'S CERTIFICATE:
I HEREBY AUTHORIZE GUIDO CONSOLI SURVEYING LTD. PREPARE AND SUBMIT THIS CONDOMINIUM DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

DITON CONSTRUCTION

DATE

TONY DITOLLO
DITON CONSTRUCTION

SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE ACCURATELY SHOWN

FEBRUARY 10, 1989
DATE

BRYAN JACOBS
ONTARIO LAND SURVEYOR

GUIDO CONSOLI SURVEYING LTD
152 JACKSON STREET EAST, HAMILTON SUITE 102
TEL (416) 521-1535 (LBN 113)

86-307

(9) That the dead-end of the road allowance (Block "23") created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance.

(10) That Blocks "18" to "21" inclusive be developed only in conjunction with abutting lands.

(11) That the owner shall erect a sign in accordance with section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(12) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(B) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-09), Shedaco Holdings Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

(C) That the Kennedy East Neighbourhood Plan be amended accordingly to reflect the changes established by the draft plan of subdivision.

J. D. THOMS, M.C.I.P.
COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

A. L. GEORGIEFF, M.C.I.P.
DIRECTOR OF LOCAL PLANNING

BACKGROUND:

Owner: Shedaco Holdings Limited, Hamilton, Ontario.

Surveyor: John P. Nouwens, O.L.S., Hamilton, Ontario.

Location: The lands, comprising 4.2 ha, are located south of Rymal Road West, west of Christie Street in the Kennedy East Neighbourhood, City of Hamilton.

Proposal: The owner proposes to subdivide the lands into 23 lots for single family dwellings, 1 block for park purposes (Block 24) and 1 block for future development with abutting lands (Block 25). The minimum lot size proposed has a width of 12.0 m and an area of 360m^2 and all lots will be serviced by new streets which will be an extension of the streets to be established over the lands to the west.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Urban Policy Areas - Residential and Related Uses". Subject to approval of required amendments to the Neighbourhood Plan, the proposal will comply.

City of Hamilton Official Plan - the lands are designated "Residential" and "Open Space". The proposal complies.

Zoning - the lands are zoned "C" District in which the proposed uses are permitted. The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double", "Park and Recreational" and "Utilities" (sewer easement). Lots 1 to 8 inclusive are designated for Park and Recreational use, therefore, the proposal, as submitted, does not comply. (See "Comments" for compromise proposal).

Niagara Escarpment - the lands are not within the Development Control Area, therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs
- Ministry of Transportation
- Ministry of the Environment
- Ministry of Natural Resources
- Ministry of Culture and Communications
- Ontario Hydro, Union Gas, Bell Telephone
- City of Hamilton Board of Education
- City Traffic Department
- City Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"Recommendations:

(1) Both Streets "A" and "B" should be established at 20.0m.

(2) The cul-de-sac should have a 20m width with a 15m R. bulb and 9m R. transition into the cul-de-sac.

(3) The radius at the west limit of Street "B" must have a minimum radius of 110m.

(4) A 12m Storm and Sanitary sewer easement is required over Part of Block 24 from Street "A" to Malton Drive as shown in red on the attached plan.

(5) The owner must enter into subdivision agreements with both the City of Hamilton and the Region, prior to the development of any portion of these lands.

For Your Information:

(1) It would appear that this draft plan proposes to establish Lots 1 to 8 and Block 24, whereas the neighbourhood plan shows Park and Recreational.

(2) Street "A" should be aligned with the future development.

(3) The proposed subdivision can be serviced to the sanitary and storm sewers on Malton Drive.

(4) This development cannot be serviced for water until the lands to the west or north have been developed.

(5) There is no Region share expected with respect to watermains for this development.

(6) The submitted plan as prepared by Ashenhurst Nouwens Limited and dated May 4, 1989, is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations".

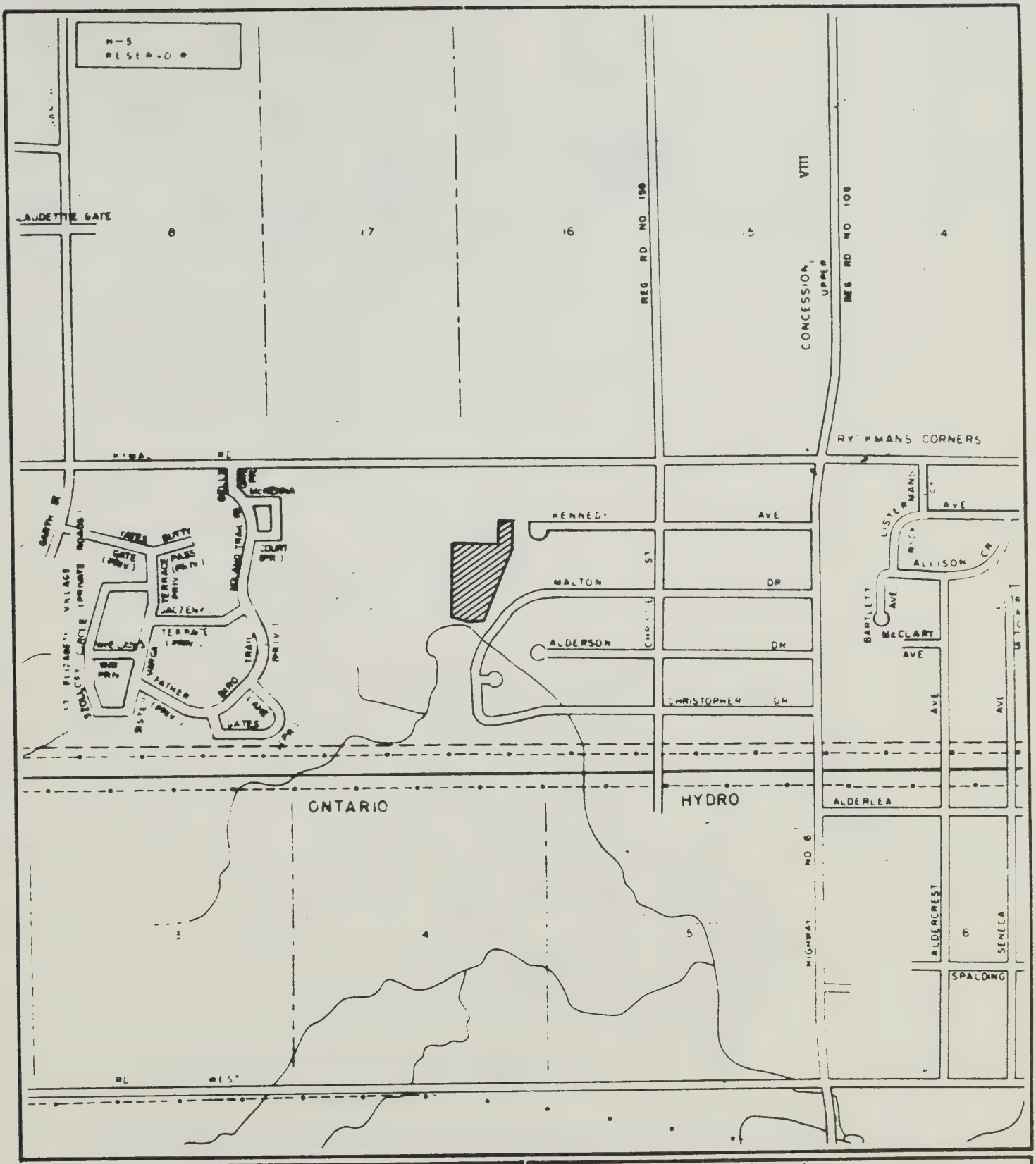
COMMENTS:

(1) The conformity of the proposal with the Official Plans and Zoning By-law is noted.

(2) In an attempt to overcome the proposals non-compliance with the Neighbourhood Plan, the applicant has discussed a compromise proposal with the department which would revise the plan to show Lots 1 - 6 approximately, as park area and the area of Lots 7, 8, and Block 24 to form two lots fronting onto the new road with the rear lands being set aside as blocks for development of 3 future lots fronting onto existing Malton Drive. This compromise proposal would have the applicant acquire from the City a portion of Block 46, Registered Plan 62M-592, the Parkland block of Abbey Hill Farm - Phase 1, resulting in the development being more consistent with the neighbourhood plan and which proposal can be supported.

(3) Other minor red-line changes to comply with the requirements of the Department of Engineering are shown on the recommended plan.

/ll
SA8909



Location Plan For

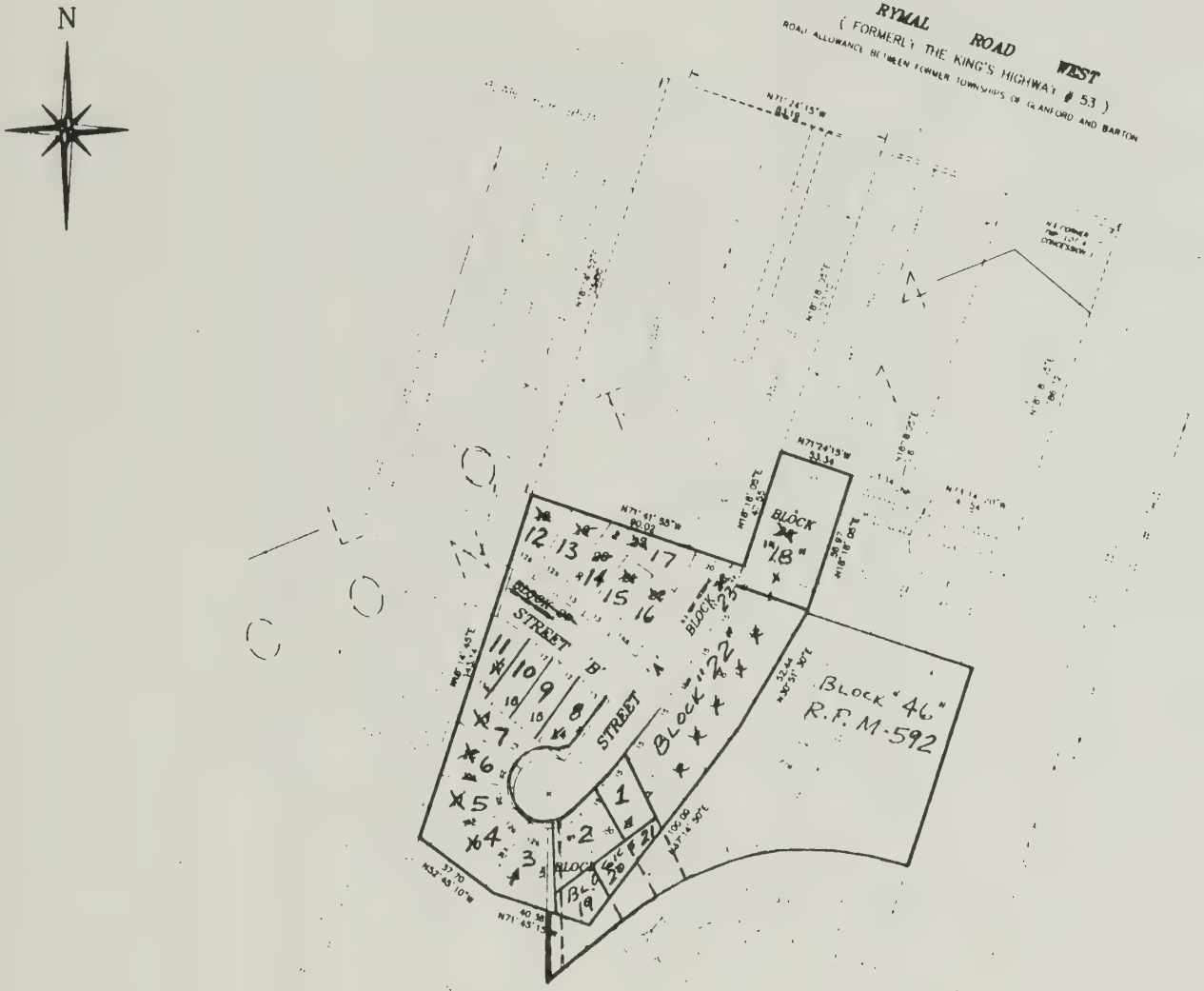
ABBEY HILL FARM - PHASE 2

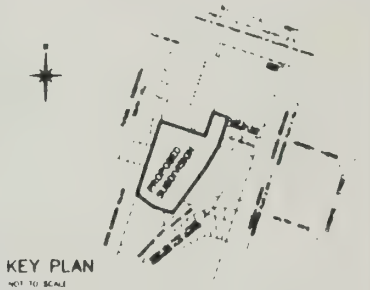
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	NOT TO SCALE	25T-89012
	Date	Drawing No.
	MAY 17, 1989	





KEY PLAN
NOT TO SCALE

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

I AM AUTHORIZED TO BIND THE CORPORATION

DATE

SEDACO HOLDINGS LIMITED

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY SHOWN

DATE

JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE : RE : SECTION 50(2)

A SINGLE
B SEMI
SEMI
D RESIDENTIAL SINGLE FAMILY
E SEMI
F TOWNS

A SINGLE
B SEMI
C TOWNS
D
E ALL SERIES
NUMB

DRAFT PLAN OF



ABBEY HILL FARM
<< PHASE 2 >>

BEING A PROPOSED SUBDIVISION OF PART OF
LOT 4 , CONCESSION 1
FORMERLY IN THE
TOWNSHIP OF GLANFORD
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1 1000 METRES

JOHN P. NOUWENS , O.L.S -1989

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201 - 315 YORK BLVD
HAMILTON, ONTARIO L8R 3K5
(416) 529 8310
(416) 529 4314
FAX(416) 529 6851
BRANCH OFFICE
15A MAIN STREET EAST
GRIMSBY, ONTARIO L3M 1M7
(416) 945 4389

12.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 NOVEMBER 10
COMM FILE:
DEPT FILES: SA-87-11
25T-87010

SUBJECT

Proposed Revision to a Draft Approved Plan of Subdivision.

RECOMMENDATION

That the proposed draft plan of subdivision "Wellington Chase - Phase 2", Wellington Chase Inc., owner, in the City of Hamilton under Regional File No. 25T-87010, as approved by Regional Council on December 1, 1987 be revised by showing 58 street townhouse properties and a road within the area of Block "191" and by adding the following conditions after condition j):

k) That Street "A" must be established to a width of 20m with a 15m radius cul-de-sac and with 9m radius transitions into the cul-de-sac. Furthermore, Street "A" should be widened by 3.75m to 23.75m from the south property line of Lot 41 to the south limit of the plan;

l) That direct access to Lots 1 to 20 inclusive not be permitted from Upper Wellington Street. Access to Upper Wellington Street shall only be permitted through two common access points. Therefore, a minimum width of 6.0m mutual right-of-way be established along the westerly limits of the lots 1 to 20 inclusive immediately adjacent to the Upper Wellington Street road allowance as widened;

m) That all lots (Nos. 1 to 58 inclusive) be subject to and comply with the requirements of the approved Site Plan Application DA-89-75;

n) That prior to the final approval of this revision the owner receive an approval by the Committee of Adjustment for Lots 37 to 40 and 55 to 58 inclusive for a variance to the provisions of the applicable zoning district.

That the alphanumerical numbering of the remaining conditions be changed accordingly.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

G. Sinclair Construction Inc., Hamilton, Ontario

Agent

Ashenhurst Nouwens Limited, Hamilton, Ontario

Surveyor

Guido Consoli Surveying Ltd., Hamilton, Ontario

Location

The lands, comprising 1.64 ha, are located on the east side of Upper Wellington Street and north of Brigade Drive in the Barnstown Neighbourhood, City of Hamiton.

Proposed Revision

The owner is in the process of constructing 58 Street Townhouse units for freehold ownership on lands which were draft approved on December 3, 1987 as part of Block "191" for townhouse development under City File SA-87-11 Wellington Chase - Phase 2, Regional File No. 25T-87010.

History

This townhouse block was approved by City Council at its meeting held on October 13, 1987. The plan is revised to show 58 Street townhouse units fronting on an interior road and on Upper Wellington Street. The revision was circulated to City Departments.

The owner received approval of a site plan under File No. DA-89-75 on September 29, 1989 which was released to the Building Department on October 4, 1989 subject to the following conditions:

i) modification to the plans in relation to notes and dimensions as marked in red on the plans;

ii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

iii) submission of a revised site plan that conforms to the "RT-20" zoning regulations, the provision of 76 parking spaces, and privacy areas conforming to Section 10E(8) of By-law No. 6593;

iv) dedication to the Region of approximately 5.182m of land along Upper Wellington Street for the purpose of a road widening;

v) provision of a note on the plan stating the development will be subject to "RT-30" zoning regulations upon approval of the plan of subdivision, and that the following will be provided:

a) provision of a mutual right-of-way agreement for the 6.0m common access driveway adjacent to Upper Wellington Street;

b) provision of two (2) access driveways to Upper Wellington Street from the common lane upon approval by the Committee of Adjustment.

The Hamilton-Wentworth Development of Engineering has submitted the following comments and recommendations:

1. Street "A" must be established to a width of 20m with a 15m radius cul-de-sac and with 9m radius transitions into the cul-de-sac. Furthermore, Street "A" should be widened by 3.75m to 23.75m from the south property line of Lot 41 to the south limit of the plan.

2. It is recommended that direct access to Lots 1 to 20 inclusive not be permitted from Upper Wellington Street. Access to Upper Wellington Street shall only be permitted through two common access points. Therefore, it is recommended that a minimum width of 6.0m mutual right-of-way be established along the westerly limits of the Lots 1 to 20 inclusive immediately adjacent to the Upper Wellington Street road allowance as widened.

3. The owner must enter into Subdivision Agreements with both the City and Region prior to the development of any portion of these lands.

For your Information

1. The proposed development can be serviced for storm and sanitary sewers and watermains from the adjacent streets.

2. The submitted plan as prepared by Ashenhurst Nouwens Limited and dated July 14, 1989 is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations.

City Traffic Department - commented that the proposed plan is satisfactory subject to the modifications which will make it consistent with the approved development application DA-89-75.

City Building Department - advised that it has no comment.

COMMENTS

1. The area of the remaining lands included in the draft approval for Wellington Chase - Phase 2 SA-87-11 under Regional File No. 25T-87010 will not be affected by the additional conditions for the revision of the draft approval.

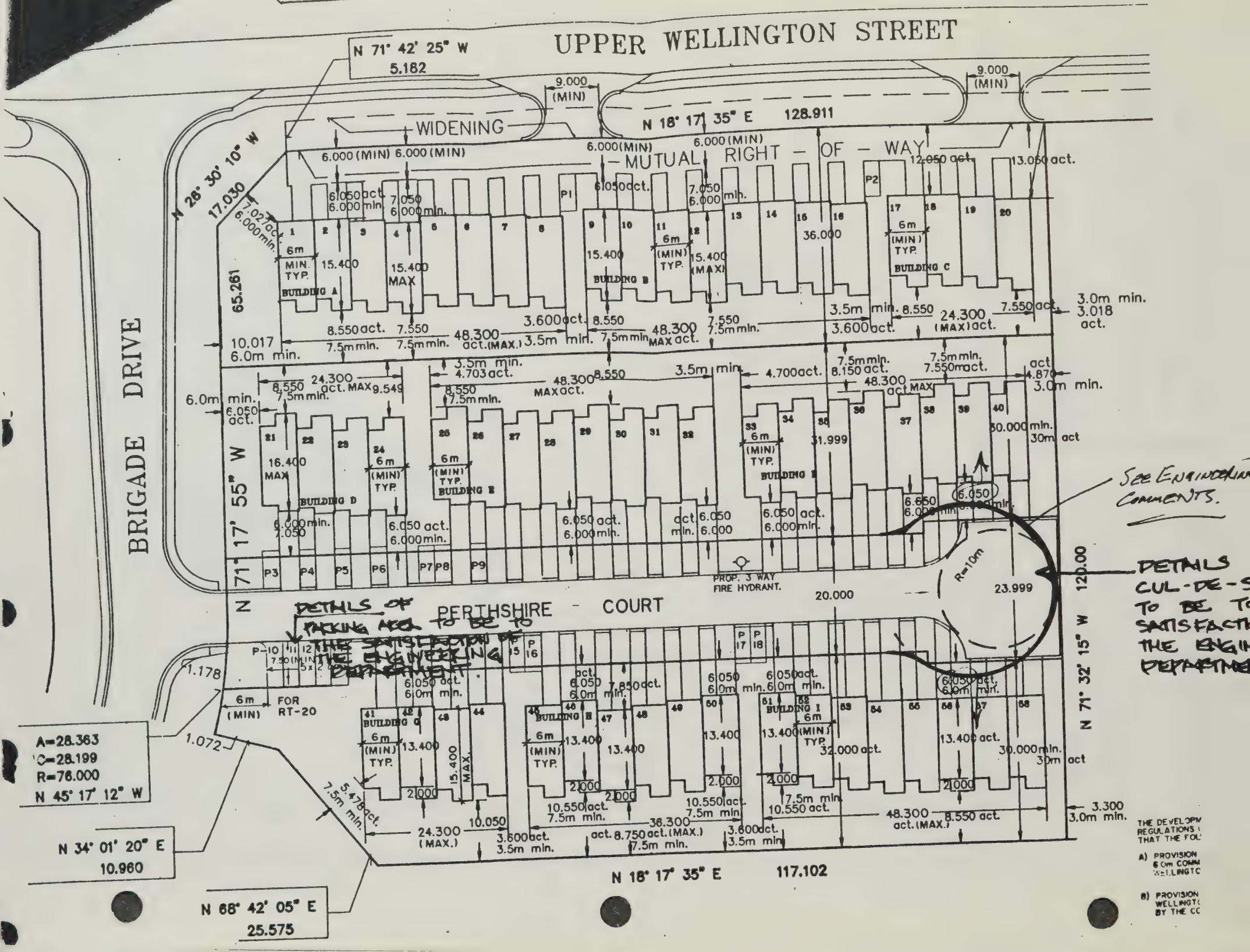
2. The purpose of the proposed revision for the draft approval is to accommodate a further division of Block "191" into 58 street townhouse units as freehold properties.

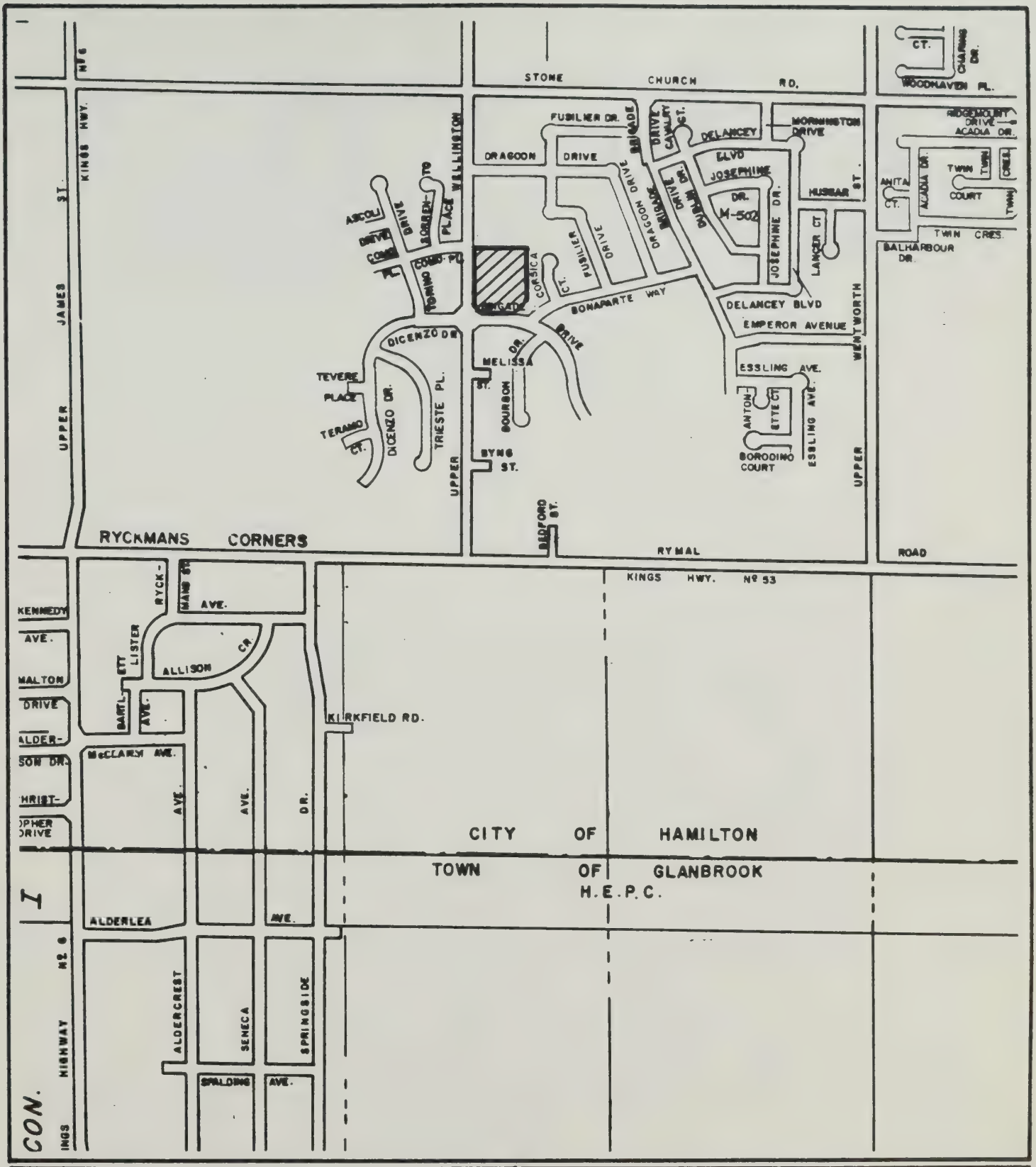
3. It is noted that the recommendation for access to Upper Wellington Street would require the establishment of a right-of-way over a number of lots which the owner would have to register on title of all lots, respectively.

4. It is further noted that a 20.0m wide road with cul-de-sac having a radius of 15.0m is recommended by the Regional Department of Engineering. This would require a change in the provisions for the applicable zoning for properties affected by the cul-de-sac.

5. No comment has been received objecting to this revision.

JS/sw


UPPER WELLINGTON STREET
N 71° 42' 25" W
5.182
9.000 (MIN)
WIDENING
N 18° 17' 35" E 128.911
MUTUAL RIGHT - OF - WAY
N 28° 30' 10" W
17.030
BRIGADE DRIVE
N 71° 17' 55" W
65.261
BUILDING A
BUILDING B
BUILDING C
BUILDING D
BUILDING E
BUILDING F
BUILDING G
BUILDING H
BUILDING I
PROP. 3 WAY FIRE HYDRANT.
PERTHSHIRE - COURT
N 71° 32' 15" W
120.00
R=10m
23.999
20.000
SEE ENGINEERING COMMENTS.
DETAILS OF PARKING AREA TO BE TO THE SATISFACTION OF THE ENGINEERING DEPARTMENT
DETAILS CUL-DE-S TO BE TO SATISFACTION THE ENGIN DEPARTME
A=28.363
C=28.199
R=76.000
N 45° 17' 12" W
N 34° 01' 20" E
10.960
N 68° 42' 05" E
25.575
N 18° 17' 35" E 117.102
FOR RT-20
6m (MIN)
6m (MIN) TYP.
15.400 MAX
16.400 MAX
36.000
31.999
32.000 act.
30.000 min.
30m act
48.300 act. (MAX.)
24.300 (MAX.)
3.600 act.
3.5m min.
7.5m min.
6.050 act.
6.000 min.
8.550 act.
7.550
3.0m min.
3.018 act.
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A) PROVISION 6.0m COMM WELLINGTO
B) PROVISION WELLINGT(BY THE CC



Location Plan For

THE TERRACES AT WELLINGTON CHASE

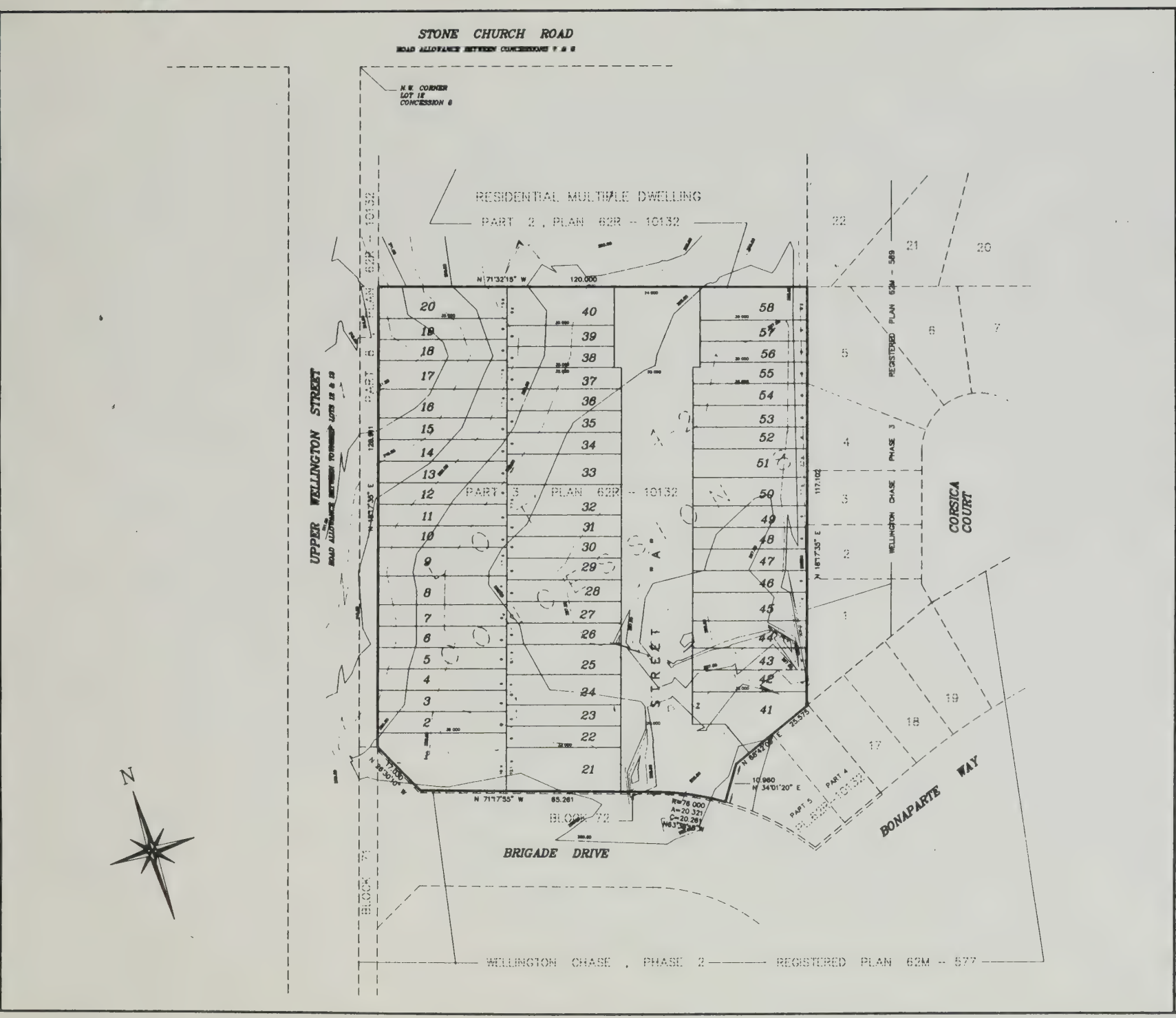
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N.T.S.	25T-87010
	Date	Drawing No.
	JULY 25, 1989	

25T-87





KEY PLAN
NOT TO SCALE

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

OWNER'S CERTIFICATE

IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE PLANNING ACT, I HEREBY AUTHORIZE ASHENHURST NOUWENS LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.

July 13/89

WELLINGTON CHASE INC.
BILL SINCLAIR - I HAVE THE AUTHORITY TO BIND THE COMPANY

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

July 13/ 89

JOHN P. NOUWENS
ONTARIO LAND SURVEYOR

SCHEDULE : RE : SECTION 50(2)

A SHOWN
B SHOWN
C SHOWN
D RESIDENTIAL - STREET TOWNHOUSES
E SHOWN
F SHOWN
G SHOWN
H MUNICIPAL WATER
I CLAY
J SHOWN
K ALL MUNICIPAL SERVICES AVAILABLE
L NONE

DRAFT PLAN OF

The Terraces at WELLINGTON CHASE

BEING A PROPOSED SUBDIVISION OF PART OF
LOT 12 , CONCESSION 8
FORMERLY IN THE
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE : 1 : 500 METRES

JOHN P. NOUWENS , O.L.S. - 1989.

ASHENHURST NOUWENS LIMITED
Professional Engineers & Ontario Land Surveyors
201-315 YORK BLVD
HAMILTON, ONTARIO L8R 3K5
(416) 529-6316
(416) 529-4314
FAX(416) 529-8851
BRANCH OFFICE
15A MAIN STREET EAST
GRIMSBY, ONTARIO L3M 1M7
(416) 945-4500

DRAWN BY	JG	CHK'D BY	JN
DATE DWG	JULY 13, 1989	FILE No.	88049

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: NOVEMBER 22, 1989
COMM FILE:
DEPT. FILE: P5-2-21

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Tiffany Block
(Bounded by Barton, Tiffany, Stuart and Bay)
Central Neighbourhood Plan Amendment

RECOMMENDATION

That the Central Neighbourhood Plan be amended to change the Tiffany Block from "Commercial-Industrial" to "Medium Density Apartments" with special policies shown on Map 1.

That the necessary Official Plan amendment and the zoning by-law amendment (application ZA-88-98) be held in abeyance pending:

i) the completion of a noise impact study to the satisfaction of Council; and,

ii) the completion of a decommissioning plan for the auto wrecking site to the satisfaction of the Ministry of the Environment.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o The Tiffany Block was designated for "Commercial/Industrial" purposes when the Central Neighbourhood Plan was prepared in 1973. The designation remains today (Map 2).

- The Tiffany Block contains auto wrecking yards, lower-cost older housing on the Tiffany, Stuart and Bay frontages and industrial and commercial uses on the Barton Street frontage. The main line CN railway is to the north, commercial and housing to the east, works depot and union hall to the south and Rheem Industries to the west.

- The Official Plan designates the Tiffany Block "industrial". The block is zoned "K" (Heavy Industrial).

- Prospective owners (Cupido Realty) of land in the Tiffany Block have applied for a change in the Central Neighbourhood Plan (Map 2). They previously applied for a zoning change from "K" (Heavy Industrial) to "E" (Medium Density Apartments) for lands occupied by auto wrecking businesses (White Star and Bay Auto) (Map 2).

- Circulation of the proposed neighbourhood plan change revealed that:

  - CN Railway objects to the proposal because of safety and noise, vibration and fumes from their Stuart Street yards which are a 24 hour operation.

  - GO Transit suggest a noise study.

  - the Ministry of the Environment say that development may be impacted by noise and odours from industry. They also point out that the site may be contaminated. A decommissioning of the site from industrial use would be required if residential uses proceed. The Ministry of the Environment oversee the decommissioning process.

  - Rheem Canada (the industry to the immediate west) objects because of the noise and pollution impacts of their operation on the proposed residential use. They are also concerned about parking and traffic problems.

- On May 10, 1989, the Planning and Development Committee considered the proposed neighbourhood plan amendment and a low rise apartment proposal for the auto wrecking sites at a public meeting. The matter was tabled until the results of the Perimeter Road Study were known.

- On November 1, 1989, the Planning and Development Committee authorized a public meeting to consider the neighbourhood plan change. Cupido Realty asked for an indication by Council that residential development could be supported prior to their option to purchase expiry date (December 31, 1989).

- Although the final results of the Perimeter Road study are not known, the staff position and comments of the Engineering Services Committee position give a good indication of the final alignment. Staff have recommended ramps connecting the Perimeter Road with Barton Street at Queen and a Perimeter Road bridge over the railway, north of Stuart Street (Map 3). The ramp proposal does not directly impact on the proposed change of use for the Tiffany Block but the widening of Barton Street will be necessary. However, the bridge creates a potential noise source which could impact residential use of the Tiffany Block.

- Cupido Realty have prepared a redevelopment scheme for the site in which they have an interest. They feel their proposal overcomes the concerns of the various agencies. The redevelopment scheme will be presented at the public meeting on November 29, 1989.

- The necessary zoning by-law and Official Plan amendments for this site will be dealt with later at a future public meeting.

ANALYSIS

The Tiffany Block lies at the north end of the Central Neighbourhood and is part of a larger area of heavy industrial land north of Barton and west of Bay. This block of land separates the railway area and waterfront from the neighbourhood residential uses further south. The Central Area Plan (city adopted as Official Plan Amendment No. 66, but not yet approved), calls for:

- industry compatible with other uses in the Central Area;

- connections from the downtown to the waterfront;

- increased housing in the Central Area including affordable housing; and,

- mixed use development.

Although heavy industry is important for the tax base, there is a global trend towards the reduction of heavy industry. There is development pressure for the conversion of lands from industry to residential. The Hess Block (bounded by Queen, Hess, Barton and Cannon) is currently being studied for such a conversion. The north part of the Central Neighbourhood has the potential to provide significant affordable housing stock. City-wide services are available in the downtown and neighbourhood parks and schools are available. The northern part of the Central Neighbourhood seems a logical location to accommodate new residential development. Current industrial operations should, however, be protected as far as possible.

There is, therefore, merit in considering the conversion of the Tiffany Block to a lower rise medium density apartment use. However, any residential development proposal should be designed to mitigate noise and air pollution. Consideration should be given to:

- orientation of living space away from noise and air pollution sources;
- additional glazing on windows;
- additional wall insulation;
- installation of air conditioning to avoid the necessity of opening windows in summer and being subject to noise and air pollution.
- encouraging commercial uses, which are less sensitive to pollution along the Tiffany and Stuart Street frontage. (Commercial uses are already permitted in the "K" (Heavy Industrial) zoning).

A noise study should be carried out to determine the detailed requirements for residential development. The findings should be reflected in the amendment to the Official Plan and zoning by-law. Site plan approval will also be needed.

Soil tests will determine decommissioning (decontamination) work needed and this will be controlled by the Ministry of the Environment.

On site car parking will minimize the parking and traffic situation in the area although additional traffic will be generated by medium density apartments. The existing roads can adequately handle the additional traffic according to the Traffic Department.

The residential properties fronting Bay Street provide an interesting streetscape. The auto wrecking lands present an unattractive appearance from Bay Street and redevelopment at a scale in keeping with those existing on Bay Street would enhance an entranceway to the Waterfront and North End Neighbourhood. Such a development may lead to further upgrading of the area.

It would be desirable to have a parkette to serve the residential development. This could be incorporated in the Cupido proposal.

The Cupido proposal could proceed independently and the remainder of the block could be redeveloped later along the same lines i.e. - lower rise medium density apartments. Assembly of property will be needed to create satisfactory sites for redevelopment.

CONCLUSION

The principle merits of the proposed change in the neighbourhood plan for the Tiffany Block are:

- additional housing, including affordable housing, would be provided in the Central Area; and,
- the appearance of the site in a key location near the waterfront would be improved;

Potential adverse impacts include:

- noise generation and air pollution from adjoining factories and the railway yards, and possibly from the proposed Perimeter Road.

It is felt that the design of any development may satisfactorily overcome these factors and that the merits of housing at this location can outweigh the adverse impacts. However, a noise impact study is required to determine noise attenuation measures to be incorporated into redevelopment proposals. The development will require amendments to the Official Plan and zoning by-law before it can proceed.

On this basis, the neighbourhood plan should be changed in accordance with Map 1, which includes the following special policies:

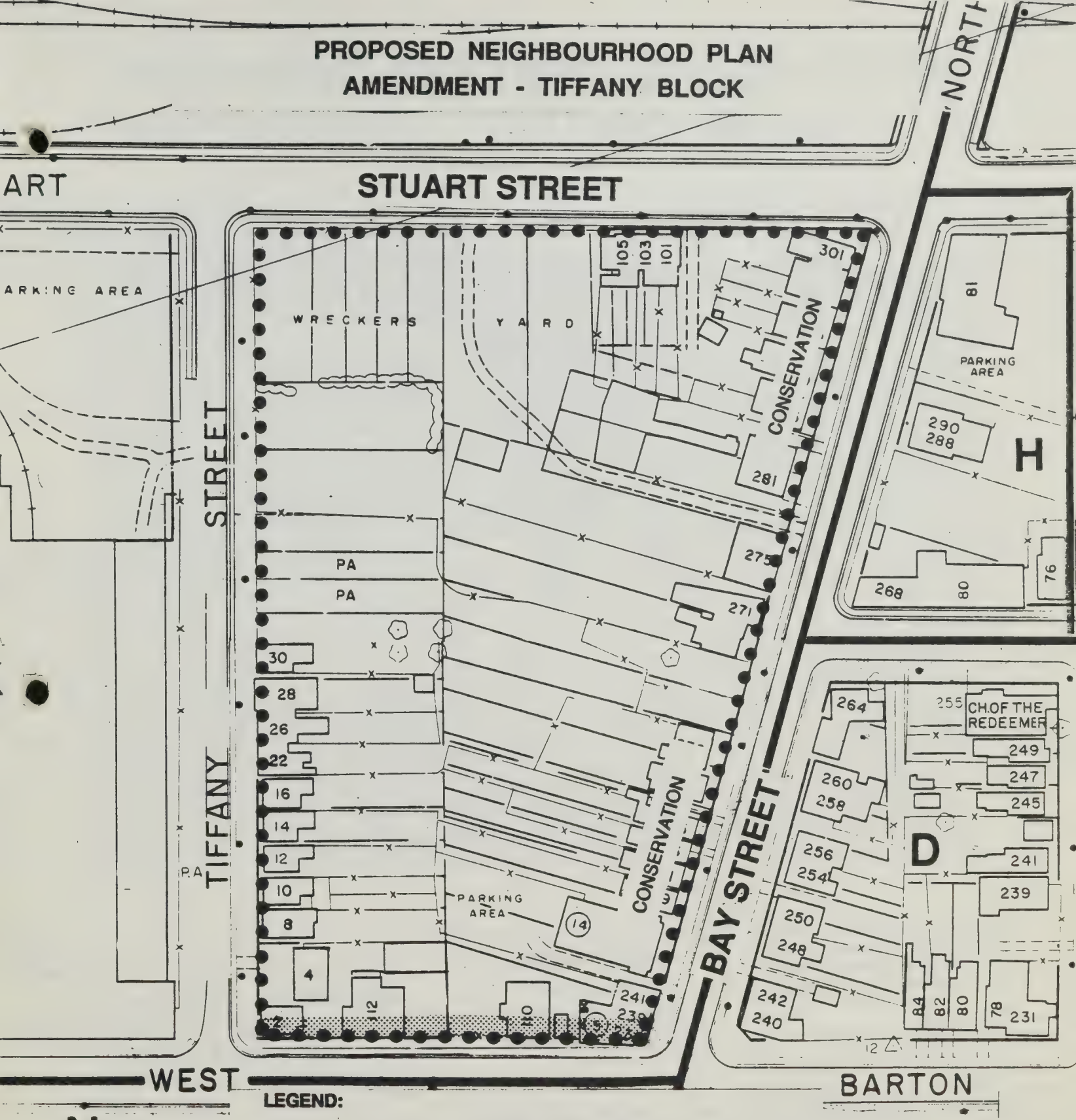
- conservation of streetscape fronting Bay Street;
- interior parkette;
- lower-rise row form building;
- noise attenuation measures (e.g. air conditioning) to be determined by noise impact study;
- decommissioning of site to the satisfaction of the Ministry of the Environment;
- limited commercial on Stuart Street and Tiffany Street frontage; and,
- proposed road widening on Barton Street West.

Approval of the Neighbourhood Plan Amendment would allow Cupido Realty to proceed with further refinement of their project. However, it should be noted that the required Official Plan and Zoning By-law Amendment should not proceed until Council is satisfied that the Noise Impact Study has been completed and the decommissioning of the site is satisfactory to the Ministry of the Environment.

DG/dkp

A:/CENTRAL

PROPOSED NEIGHBOURHOOD PLAN
AMENDMENT - TIFFANY BLOCK



LEGEND:

N

● ● ● ● Medium density, lower rise apartments

SPECIAL POLICIES

- conservation of streetscape fronting Bay Street
- interior parkette
- lower-rise row building form
- noise attenuation measures (eg. air conditioning) to be determined by noise impact study
- decommissioning of site to the satisfaction of the Ministry of the Environment
- limited commercial on Stuart Street and Tiffany Street frontage

Proposed road widening, subject to design details

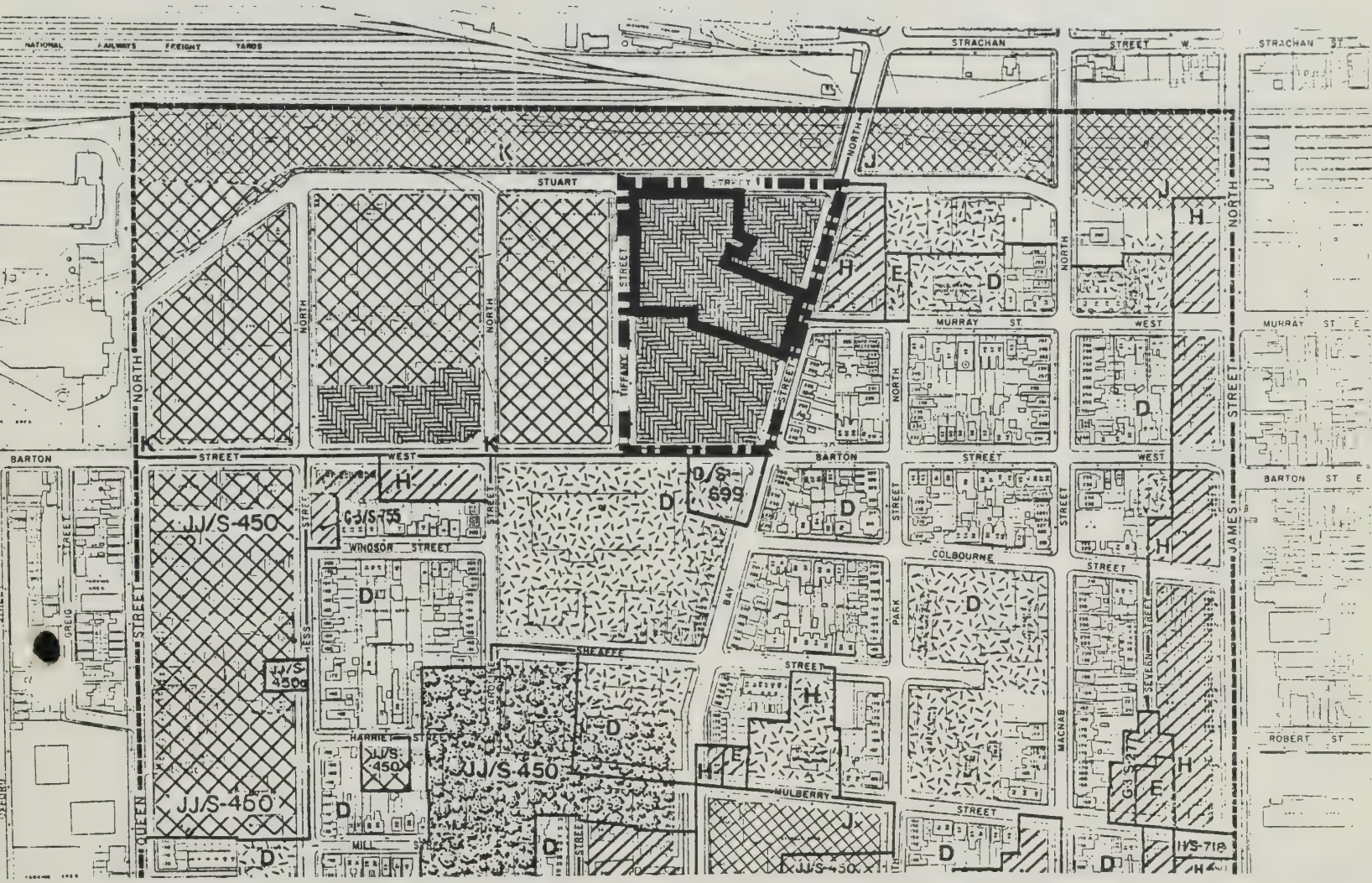
MAP 1

125
115

SCALE

1":100'

PROPOSED NEIGHBOURHOOD PLAN AMENDMENT TIFFANY BLOCK



NOTE:

- SITE OF ZONING APPLICATION ZA 88-98 (AUTO WRECKERS SITE)
- PROPOSED CHANGE FROM COMMERCIAL & INDUSTRIAL TO MEDIUM OR LOW DENSITY APARTMENTS

MAP 2

LAND USE

- RESIDENTIAL
- single, double & attached housing
- high density apts.
- commercial & apts.
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- UTILITIES
- COMMERCIAL & INDUSTRIAL

- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approvals

Planning Bd. MAR 1/73 Council JUNE 12/7

Revisions

February 1971	MARCH 5, 1974		
June 1971	JULY 29, 1974		
February 1972	MARCH 1973		
December 1972	JAN 12, 1976		
February 1973	MAR. 1976		
July 1973			

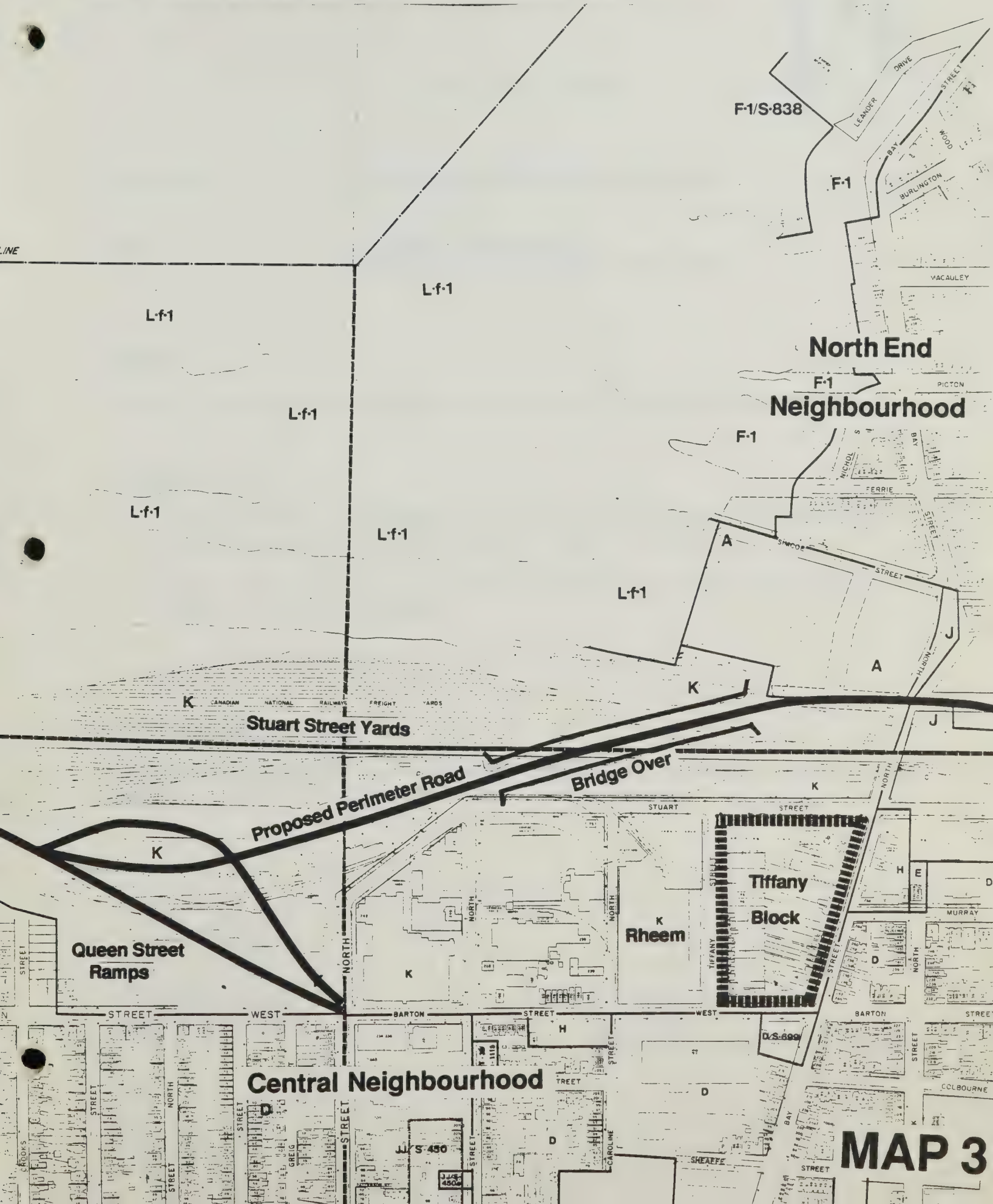
CITY OF HAMILTON
PLANNING DEPARTMENT

CENTRAL
APPROVED PLAN

NORTH

SCALE IN FEET

LOCATION OF PROPOSED PERIMETER ROAD AS RECOMMENDED BY STAFF.



14.

FOR ACTION

REPORT TO: **PLANNING AND DEVELOPMENT COMMITTEE**

FROM: **JIM THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Acquisition of computer graphics workstation for the Planning and Development Department.

RECOMMENDATION

- That the Planning and Development Department be authorized to acquire one computer graphics workstation to enhance Urban Design Services at a cost not exceeding $60,000.

- That the cost of this additional workstation be financed from anticipated savings in the Current (1989) salary and benefits accounts.

EXPLANATORY NOTE:

The Planning and Development Department wishes to acquire a computer graphics workstation that will enhance the current level of urban design services.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

The preliminary estimate for the computer graphics workstation is $60,000. The actual purchase will proceed according to standard request for proposal procedures through the Purchasing Department.

ANALYSIS

The recommendation to acquire a computer graphics system is another step in implementing council policy to improve the productivity and quality of our services without hiring additional staff. The City of Hamilton is going through a transition in urban development. Proposed developments are becoming increasingly sophisticated and complex. This is placing an increased stress on current conventional procedures and the established practices of the Planning and Development Department.

The computer graphic system will be used to enhance the current level of services for a variety of urban design assignments, such as city entrances and urban design guidelines. Moreover, this enhancement will enable this department to streamline the site plan approval process to generate alternative designs and to resolve particular problems or mitigate negative impacts where required. In addition, its application in heritage conservation would be used to demonstrate in visual terms the effects of proposed alteration to listed building; to allow creative new designs to fit into existing settings; to view the proposals from different perspectives and to explore options with ease and speed.

The integration of computer graphics is consistent with recent initiatives to provide video information on development applications and zoning changes. It will increase the ability of the Planning and Development Committee to assess the impact of proposals.

The estimated cost of the appropriate workstation is $60,000. The funds may be provided from saving from the current 1989 budget due to increased billings to Ancaster and Dundas and from under-expenditures in salaries and benefits in the Planning and Development Department which resulted due to vacancies and positions being filled at entry level salaries.

VM/ma

c.c. E. Matthews
City Treasurer

FOR ACTION

15.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 November 10

COMM FILE:
DEPT FILE:

SUBJECT: ***65 MARKLAND STREET - DELAY OF DEMOLITION***

RECOMMENDATION:

a) That City Council, in accordance with the provisions of S34(2) (b) of the Ontario Heritage Act, 1983, refuse the application, hence prohibiting any work of demolishing or removing any building or structure on the property known as 65 Markland Street, for a period of 180 days; and

b) That no demolition permit be issued for 65 Markland Street until such time as the owner obtains a building permit. The Demolition Permit could then be issued in accordance with S33(6) of the Planning Act.

Note: Under no circumstances could any demolition permit be issued prior to the expiration of the above-noted 180 day period.

C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

Attached for the information of the Committee is a copy of S34 of the Ontario Heritage Act, 1983 stating that Council shall consider an application for demolition and within ninety days of receipt shall refuse the application and prohibit any work to demolish or remove any building or structure for a period of 180 days. This provision allows for the investigation of alternative solutions to demolition.

The Local Architectural Conservation Advisory Committee forwarded a recommendation that the provisions of the Demolition Control By-law be applied to 65 Markland Street, but the Planning and Development Committee at its meeting held 1989 August 16 agreed to table the matter in light of Mr. Manfred Rudolph's request on behalf of his client, Mr. J. Budge, that designation be proceeded with but that the Demolition Control recommendation be tabled.

65 Markland Street was designated by City Council at its meeting held 1989 August 29 under the provisions of the Ontario Heritage Act, 1983. Mr. Jim Budge, owner, has since applied for a demolition permit for this designated property.

c.c. Mrs. D. Dent, Chairman
Mrs. N. Chapple, Planning Dept.
Mr. L. King, Building Commissioner

owner may, within thirty days after receipt of the notice under subsection (4), apply to the council for a hearing before the Review Board.

Referral to Review Board

(7) The council shall, upon receipt of a notice under subsection (6), refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place for hearing

(9) A hearing under subsection (8) shall be held at such place in the municipality as the Review Board may determine.

Application of R.S.O. 1980, c. 484

(10) Sections 6 to 16 and 21 to 23 of the *Statutory Powers Procedure Act* apply to a hearing under subsection (8).

Report

(11) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(12) Where the Review Board fails to make a report within the time limited by subsection (11), the failure does not invalidate the procedure.

Decision of council

(13) After considering the report under subsection (11), the council without a further hearing shall confirm or revise its decision under subsection (4) with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final. 1974, c. 122, s. 33.

Application for demolition

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

Decision of council

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection (1) and within ninety days of receipt thereof shall,

(*a*) consent to the application; or

(*b*) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision.

(*c*) to be given to the owner and to the Foundation; and

(*d*) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

Extension of time

(3) The applicant and the council may agree to extend the time under subsection (2) and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

When demolition may proceed

(4) Notwithstanding subsection (1), where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause (2) (*b*) has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection (3) has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

By-law designating property to be repealed

(5) Where,

(*a*) the council consents to an application under clause (2) (*a*), or is deemed to have consented to an application under subsection (3); or

(*b*) the period of 180 days under clause (2) (*b*) has expired or where the extension of time agreed upon by the owner and the council under subsection (3) has

expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(c) a copy of the repealing by-law to be served on the owner and on the Foundation;

(d) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;

(e) reference to the property to be deleted from the Register referred to in subsection 27 (1); and

(f) a copy of the repealing by-law to be registered against the property affected in the proper land registry office. 1974, c. 122, s. 34.

New owner to give notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property. 1974, c. 122, s. 35.

Purchase or lease by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expropriating by-law R.S.O. 1980, c. 148

(2) Subject to the *Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part. 1974, c. 122, s. 36.

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1989 Novem
COMM FILE:
DEPT. FILE: ZA-89-28
Gourley
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - lands located on the west side of Annabelle Street, north of Stone Church Road West.

RECOMMENDATION

That approval be given to amended Zoning Application 89-28, James Zaborsky, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development for property located on the west side of Annabelle Street, north of Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) that the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) that the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

iii) that the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located on the west side of Annabelle Street, north of Stone Church Road West, as shown on the attached map.

The effect of the By-law is to create two single-family residential building lots.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicant's intention to sever two building lots for single-family residences, and retain the remainder of the property for future single-family development.

- H-196-89 and H-197-89

  At its meeting held on October 10, 1989, the Land Division Committee approved the applications for severance of two lots for the subject property, each on the condition that the applicant:

  "1. Satisfy all requirements of the City of Hamilton including watermain charges and rezoning.

  2. Pay a Capital Lot Levy of $1,985.00 to the Regional Department of Finance.

  3. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.

  4. Pay any outstanding servicing costs to the City/Region and lift the one foot reserve to the satisfaction of the Regional Engineering Department."

APPLICANT

James Zaborsky, owner.

LOT SIZE AND AREA

The subject land has:

- 27.32 m (89.6 feet) of lot frontage on Annabelle Street;
- 35.39 m (116.1 feet) of lot depth; and,
- 966.85 m^2 (10,407.48 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	church, single-family residential	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	vacant and single-family residential	"AA" (Agricultural) District and "B-1" (Suburban Agriculture and Residential, etc.) District modified
to the west	single-family residential	"C" (Urban Protected Residential, etc.) District
to the east	single-family residential	"AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The following agencies have no comment or objection:

  - Local Architectural Conservation Advisory Committee Staff;
  - Traffic Department;
  - Hamilton Region Conservation Authority; and,
  - Freeway Steering Office.

- The Building Department has advised that:

  "The two (2) proposed lots (44'-0" x 115'-0") will meet the conditions of the proposed C Zone."

- The Hamilton-Wentworth Engineering Department has not submitted comments, to date.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Gourley Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of both the Official Plan and the approved Gourley Neighbourhood Plan;

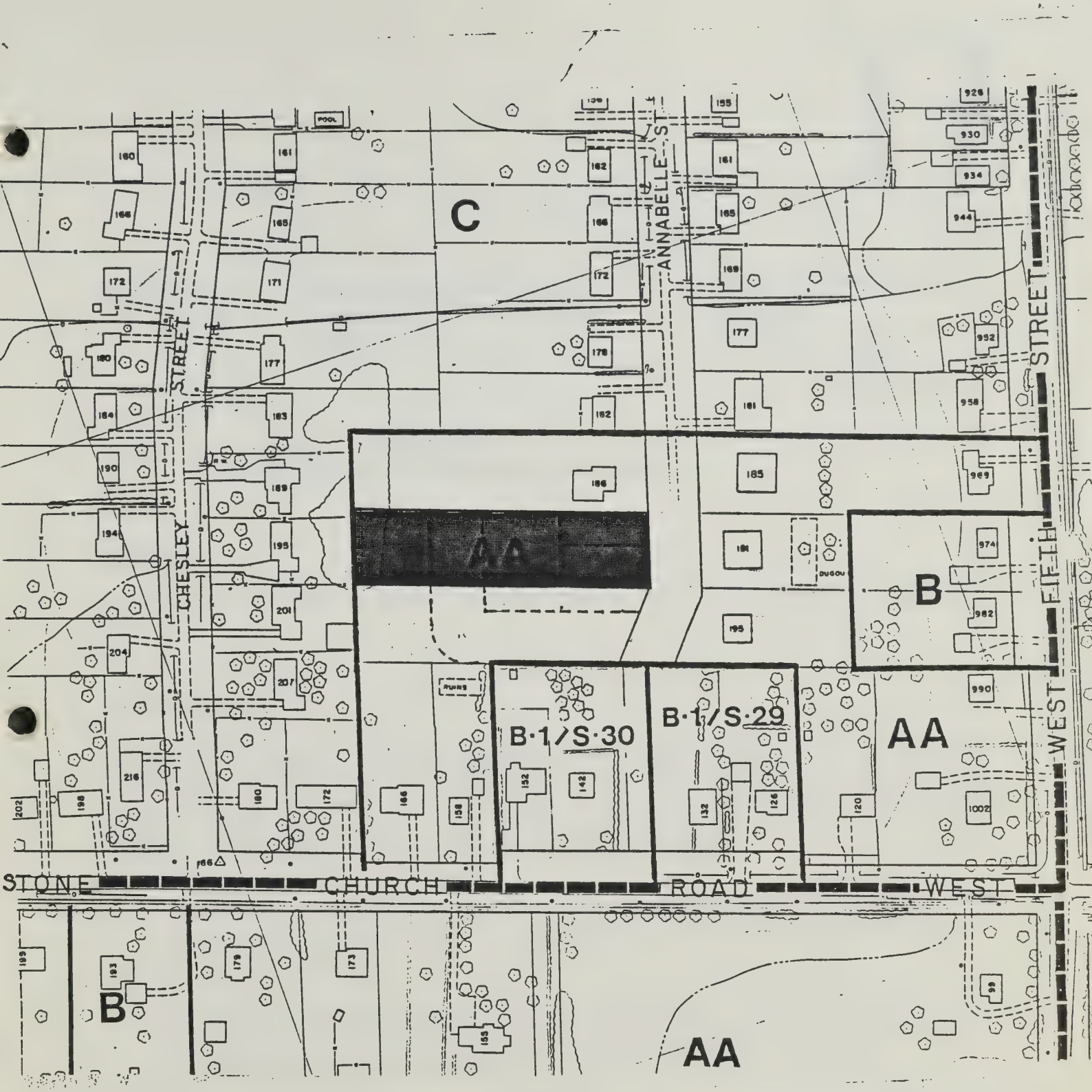
   ii) it would be compatible with existing and future development contemplated in this area; and,

   iii) the requested changes in zoning are appropriate for the proposed development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA8928



Legend

Site of the Application

ZA 89 - 28

APPENDIX A

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: NOVEMBER 22, 1989
COMM FILE:
DEPT FILE ZA-89-70
Eleanor
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification of Zoning - property located at Nos. 718 and 720 Stone Church Road East.

RECOMMENDATION

That Zoning Application 89-70, Elia Investments (Hamilton) Limited, owners, requesting a modification to the established "R-4" (Small Lot Single-Family Detached) District regulations to permit 12 semi-detached dwellings in a "block form" of development with a common access drive from Stone Church Road, for property located at Nos. 718 and 720 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

1. It conflicts with the intent of the Official Plan, in that the proposed development would contribute to the indiscriminate mix of housing types in this area comprised primarily of single-family dwellings.

2. It does not comply with the approved Eleanor Neighbourhood Plan which designates the site for "SINGLE and DOUBLE" residential use, in that the proposal is representative of a townhouse type development rather than conventional semi-detached dwellings.

3. It represents an over-intensification of land use, in that the proposed development would provide 24 units wheres conventional semi-detached development would yield approximately 16 units.

4. The proposed development is considered inappropriate and not in the interests of good planning.

5. Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o Proposed Development

It is the applicant's intention to modify the established "R-4" (Small Lot Single-Family Detached) District zoning applicable to the site to permit 12 semi-detached dwellings in a "block form" development, as opposed to 11 small lot single-family dwellings and one block (3 lots) for future development in accordance with a Draft Approved plan of subdivision.

o ZA-85-12

At its meeting held on April 10, 1985 The Planning and Development Committee considered Zoning Application 85-12 to rezone lands at No. 711 Stone Church Road East from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District to permit a 28 unit townhouse development. The Planning Committee was unable to render a decision due to a lack of quorum.

At its meeting held on April 30, 1985 the Planning and Development Committee reconsidered the zoning application and denied it on the basis of prematurity, pending the outcome of the Butler Multi-Centre Plan.

o ZA-85-103

At its meeting held on March 12, 1986 the Planning and Development Committee considered and approved Subdivision Application SA-85-24 and Zoning Application 85-103 for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District to permit 11 lots for small lot single-family development, one block for future development, and one block for road widening purposes, for property located at No. 718 Stone Church Road East. On April 29, 1986 City Council passed By-law 86-141 which rezoned the subject lands.

- Butler Multi-Centre Plan

  On June 5, 1985 the Planning and Development Committee held a public meeting to consider a draft proposed Butler Multi-Centre Plan and to obtain public input on this matter. The draft proposed Butler Multi-Centre Plan designated the site in question for "ATTACHED HOUSING".

  As a result of objections from property owners in the surrounding area to the proposed "ATTACHED HOUSING" designation, the site was redesignated for "SINGLE and DOUBLE" residential development and removed from the Butler Multi-Centre Plan. This recommendation was adopted by the Planning and Development Committee at its meeting held on March 26, 1986 and passed by City Council at its meeting held on April 8, 1986.

APPLICANT

Elia Investments (Hamilton) Limited, owner.

LOT SIZE AND AREA

- 60.96 m (200.0 ft.) of lot frontage on Stone Church Road East;
- 152.40 m (500.0 ft.) of lot depth; and,
- 9,290.30 m^2 (100,000 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	A single-family dwelling	"R-4" (Small Lot Single-Family Detached) District
Surrounding Lands		
To the north	Vacant lands	"AA" (Agricultural) District and "H" (Community Shopping and Commercial, etc.) District, modified
To the south	Single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District

To the east	Single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
To the west	Single-family dwellings and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule 'A' - Land Use Concept Plan of the Official Plan and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a graduation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal is representative of a townhouse type development which would be surrounded by single-family dwellings, and as such, it would conflict with the intent of the Housing Policies of Subsection C.7, in that it would contribute to the indiscriminate mix of housing types in this area. The proposal, however, would not require an amendment to the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential development on the approved Eleanor Neighbourhood Plan. The proposal is representative of a townhouse development, and as such, would conflict with the intent of the approved Eleanor Neighbourhood Plan.

COMMENTS RECEIVED

o The Building Department has advised that:

"1. The Building Code requires a turn around facility for the fire department (see attached sheets). This would eliminate buildings #6 and #7.

2. Zoning By-law 6593 does not permit this type of development in ANY zone.

3. This development is not compatible to an "R-4" zoning district and is a prohibited use under Section 4(3)(b) of Zoning By-Law 6593."

o The Traffic Department has advised that:

"With respect to the specific application we have no comment other than the suggestion that the site be placed under site plan control in order to properly review specifics of the plan. With respect to the preliminary site plan, we have several comments.

It is our understanding that Eleanor Avenue will be closed adjacent to this site at some time in the future. The proposed driveway access would present an attractive "short cut" route to neighbourhood residents. As a result, we would suggest deletion of the Stone Church Road access to prevent this situation.

The submitted plan shows a total of 20 visitor parking spaces in an area that is approximately 15 m x 24 m. A legal parking space is 2.7 m x 6.0 m. Therefore, the area designated for visitor parking can only accommodate 8 spaces and not 20 spaces as shown.

The applicant should be advised that once a plan has been approved, he must apply to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may effect driveway location, i.e. poles, fire hydrants, trees, etc."

o The Hamilton-Wentworth Engineering Department has advised that:

"The designated road allowance width of Stone Church Road at this location is 30.48 m. In accordance with this designation, we recommend that sufficient lands be dedicated, as a condition of approval, to the Region, to establish the property line 15.24 m (50 ft.) from the centre line of the original Stone Church Road, road allowance.

There are sufficient storm and sanitary sewers on Stone Church Road, to service the northerly portion of the property. Watermains are available on both, Stone Church Road an on Eleanor Avenue.

Should the application be approved, as shown on the plan submitted with the application, the owner/applicant must enter into servicing agreements with the City and the Region. These agreements, however, are not necessary, if the south part of the parcel is deleted from the application.

Any work within the road allowances must conform to the respective Streets By-Laws.

This section of Stone Church Road is still constructed to rural cross section. The applicant should therefore, be advised to contact the Traffic and Public Works Departments with respect to the access culvert, etc. According to the approved grading plan, Eleanor Avenue from Stone Church Road to approximately 132 m southerly will be closed at some future date."

- The Hamilton Region Conservation Authority, the Hamilton-Wentworth Regional Police Department and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal conflicts with the intent of the Official Plan, in that it would contribute to the indiscriminate mix of housing types in this area. However, if approved, an amendment to the Plan would not be required.

2. The proposal conflicts with the approved Eleanor Neighbourhood Plan which designates the site for "SINGLE and DOUBLE" residential development.

3. The proposal cannot be supported for the following reasons:

   - it conflicts with the intent of the Official Plan, in that the proposed development would contribute to the indiscrimate mix of housing types in this area comprised primarily of single-family dwellings.

   - it conflicts with the intent of the approved Eleanor Neighbourhood Plan which designates the site for "SINGLE and DOUBLE" residential use, in that the proposed development is representative of a townhouse type development under an "RT-10" or "RT-20" District zoning, not conventional semi-detached dwellings under an "R-2" or "R-4" District zoning.

   - As previously noted in the Background section of this report, a proposal to provide for a townhouse development on this site within the Butler Multi-Centre Plan was not supported by area residents at a public meeting held to obtain input on future use of land in this area. Consequently, the Multi-Centre Plan was amended to provide for "SINGLE and DOUBLE" residential development. This recommendation was adopted

by the Planning and Development Committee on March 26, 1986 and approved by City Council on April 8, 1986.

- The proposed "group semi-detached" development does not comply with either the "R-2" (Urban Protected Residential - One and Two Family Dwellings, etc.) District or the "R-4" (Small Lot Single-Family Detached) District regulations, as each dwelling lot must have lot frontage ((18.0 m (59.06 ft.)) to a public road, and must individually satisfy lot area ((540.0 m^2) (5812.5 sq.ft.)), and yard requirements. The proposal involves common areas (e.g. driveway, open space, play lot, parking area) which is indicative of a multiple-family development. The proposed development is for 24 dwelling units, whereas conventional semi-detached development under the "R-2" or "R-4" District regulations would yield approximately 16 dwelling units. Accordingly, the proposal represents an overintensification of use.

- Until such time as a public road is constructed to the south of the property, the proposed development does not satisfy the Building Code requirements with respect to Fire Department access.

  Furthermore, the Traffic Department have noted that the proposed private driveway represents a duplication of Eleanor Avenue which is intended to be closed in the future, as per the Eleanor Neighbourhood Plan. It approved, this may serve as a "short cut" for residents in the area south of Stone Church Road West, and cannot be supported.

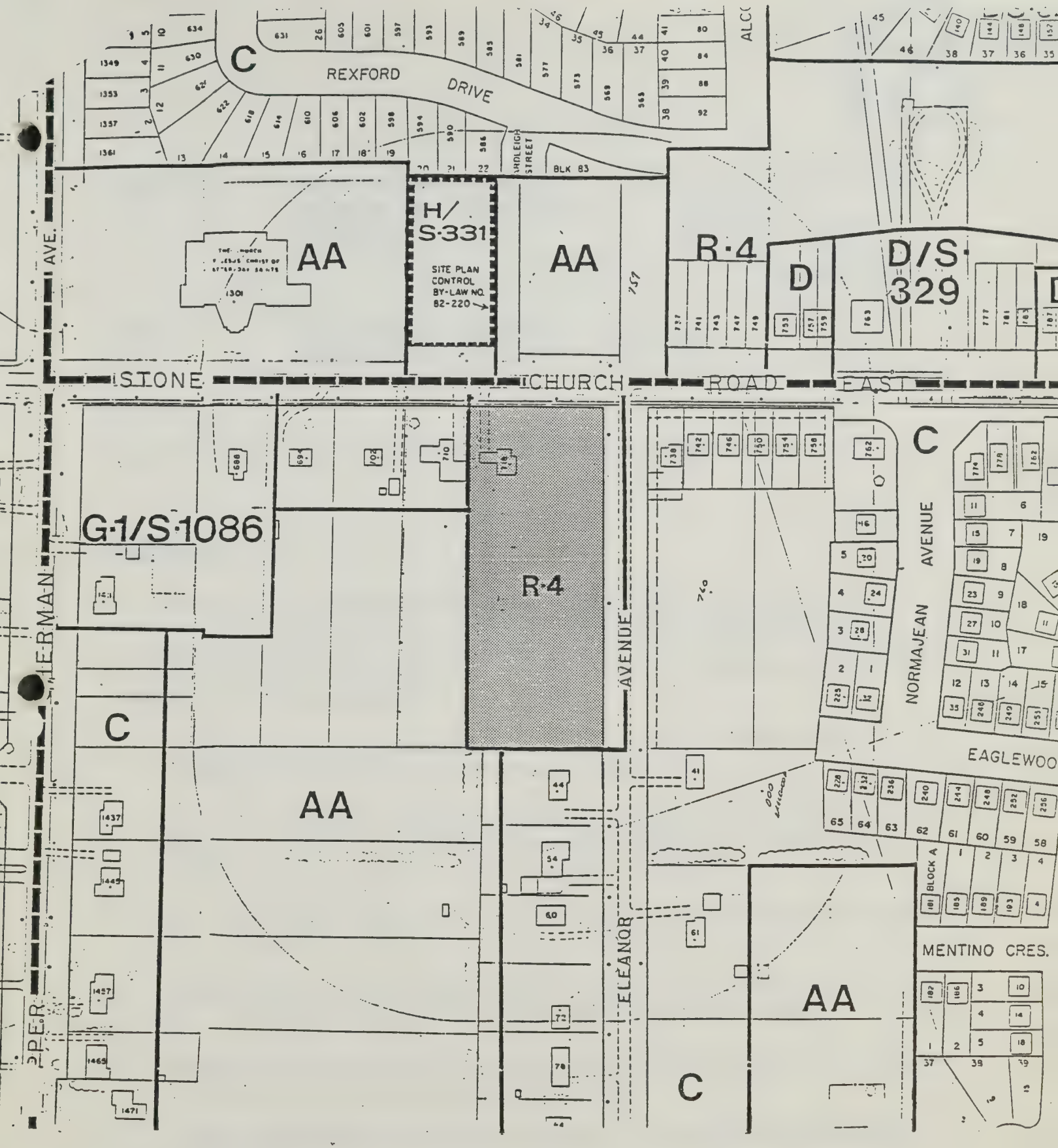
- The proposed development is considered inappropriate and not in the interests of good planning.

- Approval of the application may encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma
WPZA8970



Legend

Site of the Application

ZA-89-70

APPENDIX A

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 22, 1989
COMM FILE
DEPT FILE ZA-89-85
Jerome
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - Rear lands of No. 1171 Upper James Street.

RECOMMENDATION:

That approval be given to Zoning Application 89-85, 814904 Ontario Inc. (O. Zendel), owner, requesting a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a one storey, 1,003 m^2 addition to the building located at No. 1171 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District;

ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

   a) That notwithstanding Section 14A(2), no building or structure shall exceed one storey in height.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-9B be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9B for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

vi) That as a condition of Site Plan Approval, the applicant agree in writing, that only a right-in/right-out access will be permitted at the southerly portion of the property when the interchange is in operation.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "HH" (Restricted Community Shopping and Commercial) District modified, for the property located at the rear of No. 1171 Upper James Street, as shown on the attached map.

The effect of the by-law is to permit a one storey, 1,003 m^2 addition to the building located at No. 1171 Upper James Street.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

APPLICANT:

814904 Ontario Inc. (O. Zendel).

LOT SIZE AND AREA:

The lands are located at the rear of the property fronting on Upper James Street;

- 51.634 m (169.5 ft) of lot width;
- 66.15 m (217.4 ft) of lot depth; and,
- 3,415 m^2 (36,762.25 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	Parking lot	"G-3" (Public Parking Lots) District

Surrounding Lands

to the south and west	Commercial	"HH"(Restricted Community Shopping and Commercial) District
to the north and east	Vacant land	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Jerome Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- The following agency has no comment or objections:
  - Hamilton Region Conservation Authority.
- The Building Department has advised that:

"1. By-law 81-243 restricts the existing development to a maximum one storey in height.

2. The total development including the existing building area, (30008.4 m^2) require a minimum 83 parking spaces and two 3.7 m x 18.0 m x 4.3 m loading spaces.

3. The parking area requires a 1.5 m wide landscaped area along the northerly and easterly lot lines adjoining the residential district.

4. A visual barrier is required along the northerly and easterly lot lines adjoining the residential district."

- To date, the Hamilton-Wentworth Engineering Department has submitted no comments.

- The Traffic Department has advised that:

"The proposed change in zoning to permit a commercial development is in keeping with the approved neighbourhood plan and can be supported. Our review of the preliminary plan submitted with the application indicates that modification will be required during the site plan stage to provide loading facilities and manoeuvring area which may result in changes to the parking layout.

In addition, we suggest that consideration be given to allowing the site design to accommodate future expansion to the north of the subject lands, since these lands are designated as future commercial use in the approved neighbourhood plan."

- The Freeway Project Office has advised that:

"1. The proposed development is an addition to an existing plaza located adjacent to the future south-east ramp of the Upper James Interchange. The construction of this interchange is scheduled in the ultimate stage beyond the year 2000. In the initial stage (1997-1998), a signalized intersection will be built. The Freeway Project Office is, however, assessing the merits of constructing a freeway in the initial stage. A report to the Freeway Steering Committee on this subject will be presented within the next few months.

2. The proposed development has approximately 1,000 m^2 GFA and 63 parking spaces. No changes to the entrances/exits are proposed.

It is understood that the northerly driveway to the existing plaza will be closed when the interchange is constructed. Only an access at the southerly property line will be retained.

3. Upper James Street (Highway 6) is a major arterial road. The future interchange will likely increase its importance in the overall road network. Preliminary future traffic projections on Upper James Street south of the interchange are in the order of 25,000 A.A.D.T.

To maintain a good level of traffic service driveways should not be closely located to the ramp terminals. Based on current practices and ITE guidelines, the Freeway Project Office requires the following distances to the south-east ramp terminal:

- 15 m for right-in and right-out movements; and
- 140 m for all turning movements.

Based on these requirements, the Freeway Project Office approves only a right-in and right-out access at the southerly property line of the proposed site.

Since there will be at least 7 years before the interchange will be built, the Freeway Project Office has no objection to the proposed development in the interim period (1990-1997-+). The applicant should, however, agree in writing that only a right-in/right-out access will be permitted when the interchange is in operation".

COMMENTS:

1) The proposal complies with the Official Plan and approved Jerome Neighbourhood Plan.

2) The proposal merits consideration for the following reason:

   a) it is compatible with the existing commercial land uses to the north, south and west;

   b) it is an expansion of an existing building;

   c) the existing building is located on a major highway (Upper James Street); and,

   d) it implements the intent of the Official Plan and approved Neighbourhood Plan.

3) The proposed by-law should restrict the height to one storey. This is consistent with the By-law provisions on the abutting lands which restricts the height of the buildings located at Nos. 1151-1171 Upper James Street to one storey (By-law 81-243).

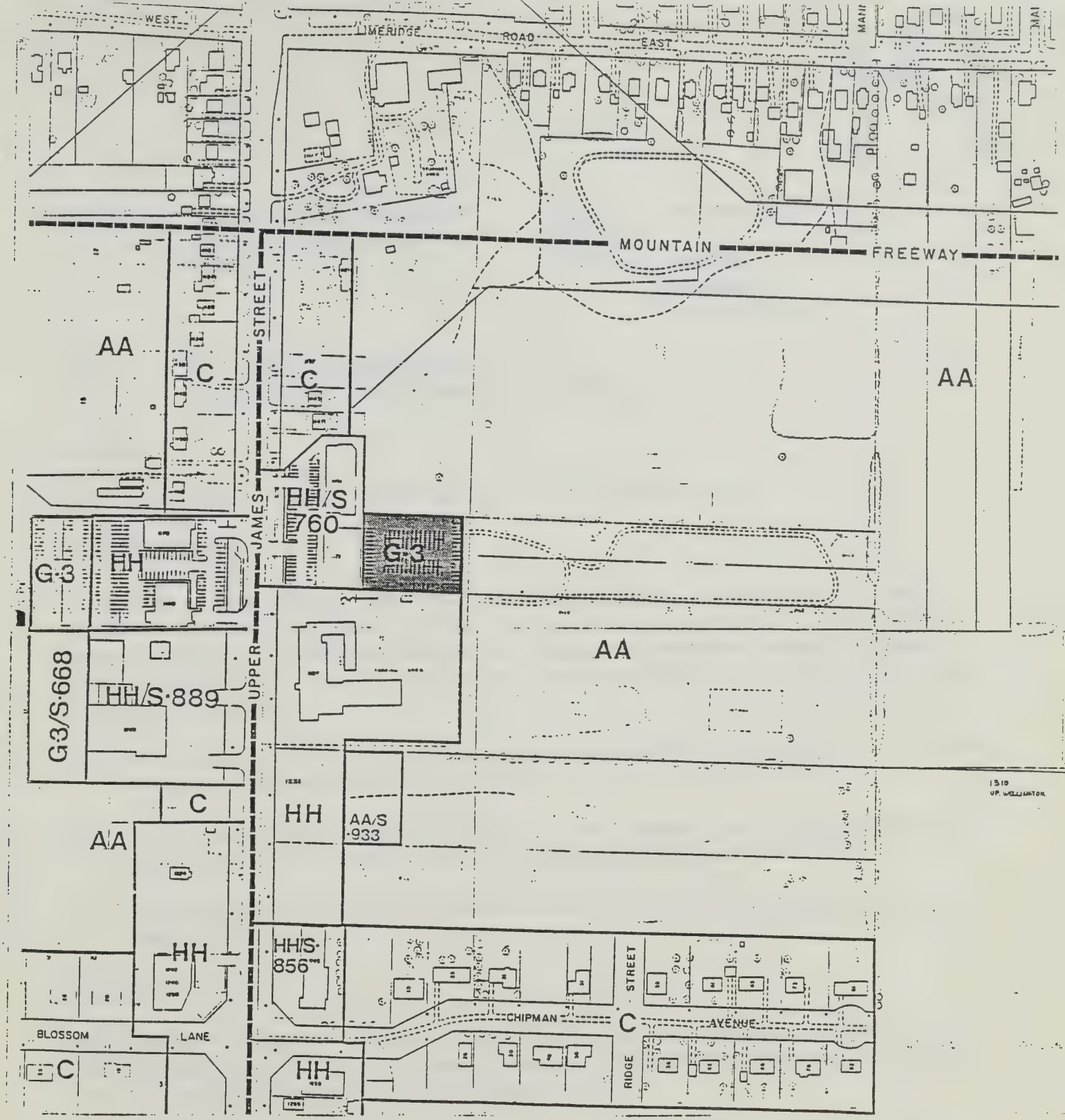
4) In regard to the parking and landscaping requirements, the architect has indicated that he can meet all the necessary requirements.

5) Under the "HH" District regulations, the lands are subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Matters such as parking, landscaping, etc., will be dealt with during the site plan approval process. The Freeway Project Office has indicated that the access to the property will be restricted to a right turn in and right out once the interchange is built. Accordingly, as a condition of site plan approval the applicant should be required to agree in writing, that once the interchange is built then the access be restricted to a right turn in/right turn out.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
ZA8985



LEGEND

SITE OF THE APPLICATION

ZA 89-85

APPENDIX A

19.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 21, 1989
COMM FILE:
DEPT FILE: ZA-89-93
Barnstown
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - lands at the rear of No. 311 Rymal Road East.

RECOMMENDATION

That approval be given to Zoning Application 89-93, Henry and Shirley Joldersma, owners, requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to create four building lots for single-family residential dwellings, for property located at the rear of No. 311 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

(i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18D and E-18E for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to establish a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 311 Rymal Road East, as shown on the attached map.

The effect of the By-law is to subdivide the subject property to create four (4) building lots for single-family dwellings, fronting onto the street at the rear (Bastille Street).

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to create four building lots for single-family dwellings.

APPLICANT

Henry and Shirley Joldersma, owners.

LOT SIZE AND AREA

The subject property is rectangular shaped and has:

- 49.16 m (161.3 feet) of lot frontage on Bastille Street;
- 32.92 m (108 feet) of lot depth; and,
- 1,618.34 m^2 (17,420.4 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Stone barn and vacant	"B" (Suburban Agriculture and Residential, etc.) District
Surrounding Lands		
to the north	Vacant	"C" (Urban Protected Residential, etc.) District
to the south	Single-family residence	"B" (Suburban Agriculture and Residential, etc.) District

to the west	Vacant	"C" (Urban Protected Residential, etc.) District
to the east	Single-family residence	"AA" (Agriculture) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policy, among others, is applicable:

"A.2.1.1 The primary uses in the permitted areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

The lands to the north are zoned "C" (Urban Protected Residential, etc.) District. Single-family homes are to be constructed on these lands and the rezoning of the subject lands would be in character with the development to the north. The proposal, therefore, complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Barnstown Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The following agencies have no comment or objection:
  - Hamilton Region Conservation Authority;
  - Traffic Department; and,
  - Building Department.

- To date, the Hamilton-Wentworth Engineering Department has not submitted any comments.

- The Local Architectural Conservation Advisory Committee staff have advised that:

  "The stone outbuilding at No. 311 Rymal Road East, despite its present condition, is a genuine and relatively rare survivor from the 19th century, particularly unusual for the Mountain area. While the building doesn't warrant designation under the present criteria, retaining and maintaining the structure is encouraged."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Barnstown Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   (i) it implements the intent of the Official Plan and the approved Barnstown Neighbourhood Plan;

   (ii) the proposed change in zoning is consistent with the current and future planned development for the area; and,

   (iii) the requested change in zoning is appropriate for the proposed development.

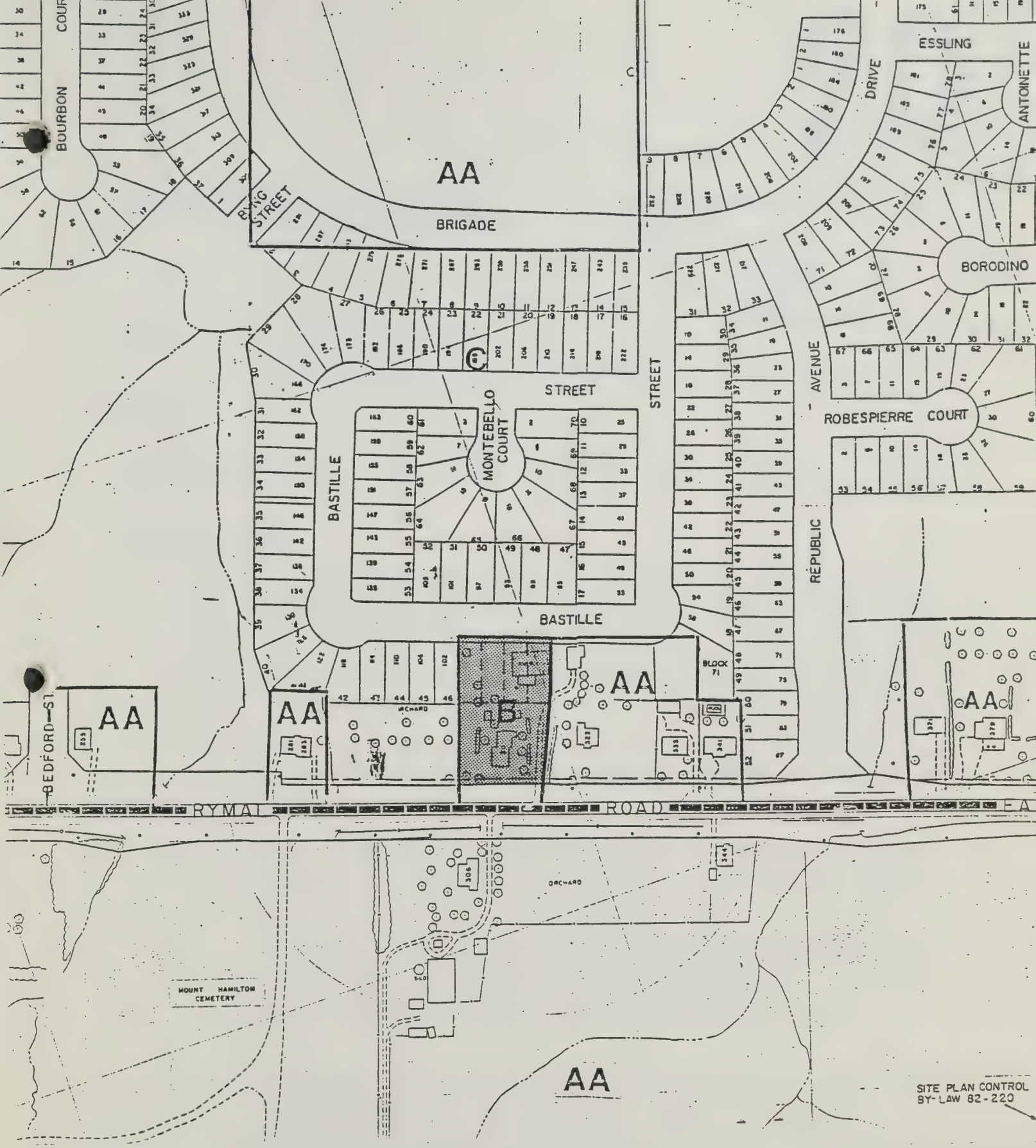
4. The applicant will have to apply to the Land Division Committee for consent to sever the proposed four lots.

5. The applicant should be encouraged to discuss means of maintaining and preserving the stone outbuilding with the staff of the Local Architectural Conservation Advisory Committee.

CONCLUSION

Based on the foregoing, the application can be supported.

M-LT/ll/ma
Attach.
ZA8993



Legend

Site of the Application

ZA 89-93

APPENDIX A

20.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
DEPARTMENT

DATE: November 22, 1989
COMM FILE
DEPT FILE ZA-89-77
Riverdale
East
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for changes and a modification in zoning - lands in the area north of Queenston Road and west of Grays Road.

RECOMMENDATIONS:

1) That Zoning Application 89-77, 766284 Ontario Ltd., (F. Kumoi) owner, requesting changes in zoning from "AA" (Agricultural) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified (Block "1"), and "G-3" (Public Parking Lots) District to "E" (Multiple Dwellings, Lodges, Clubs etc.) District modified (Block "2"), to permit the construction of a 12 storey, 106 unit apartment building, for the property located north of Queenston Road and west of Grays Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

   i) It conflicts with the intent of the Official Plan, in that the height and bulk of development would not integrate with the surrounding area, and is incompatible with the existing and proposed uses.

   ii) It conflicts with the intent of the approved Riverdale East Neighbourhood Plan which designates the lands "Commercial-Special Provisions." In this regard, it is intended that these lands be developed with the commercial lands fronting on Queenston Road.

   iii) It represents an overintensification in land use, in that the proposed development would have a floor area ratio (F.A.R.) of 3.1, whereas the maximum permitted under the "E" district regulations is 1.7. The development, would yield approximately 216 units per hectare (90 units per acre) which is considered as high density development.

   iv) The applicant proposes to use a portion of the subject lands for 12 of the 24 required parking spaces for Northside Plaza (located to the south of the subject lands). This arrangement is unsuitable, in that the plaza will no longer able to meet by-law requirements and it is contrary to the Zoning By-law which prohibits access for a commercial development within a residential district.

2) That the City Clerk be authorized to notify the City of Stoney Creek of City Council's decision.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT:

766284 Ontario Ltd. (F. Kumoi), owner.

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to construct a 12 storey, 106 unit condominium apartment building containing 23, one bedroom and 83, two bedroom units. 176 parking spaces will be accommodated on-site of which 133 are required for the residential portion. A portion of the proposed parking will be required to accomodate the existing parking arrangement for the commercial plaza to the south.

LOT SIZE AND AREA:

The subject lands are irregular in shape having:

- 115.92 m (380.3 ft) of lot width;
- 50.3 m (165.03 ft) of lot depth; and,
- 6,012.58 m^2 (64, 720.95 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant and parking for North Side Plaza	"AA" (Agricultural) District and "G-3" (Public Parking Lots) District
Surrounding Lands		
to the north	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District
to the south	commercial	General Commercial "C-3" Zone (Stoney Creek)
to the east	single-family dwellings	Existing Residential "ER2" Zone (Stoney Creek)
to the west	vacant parcel and parking area	"AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A". The following policies apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light and undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; and,

c) satisfy the provisions of Subsections A.2.1 and C.7.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of building and structures will achieve harmonious design and integrate with the surrounding areas; and

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent low-density uses.

A.2.1.16 To enhance the quality of any high density RESIDENTIAL development, Council may, where deemed appropriate, permit additional density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions in accordance with Subsection D.3. of this Plan.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertaken or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking; etc.

A.2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the General Provisions of this Subsection."

Based on Policy A.2.1.14 i), the proposal conflicts with the intent of the Official Plan, in that the building cannot be considered "of a height and bulk that will achieve harmonious design and integrate with the surrounding area." In addition, the lands are designated for "Commercial" in the Neighbourhood Plan.

However, if Council approves the application and amends the Neighbourhood Plan, then Council will be satisfied that the proposal does not conflict with the intent of the Official Plan and, therefore, an amendment will not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial-Special Provisions" in the approved Riverdale East Neighbourhood Plan. The intent of this designation is to encourage the consolidation of these lands with the commercial lands fronting on Queenston Road. A site specific redesignation from "Commercial-Special Provisions" to "High Density Apartments" would be required to permit the proposal.

RESULTS OF CIRCULARIZATION:

o The following Departments and agencies have no comments or objections:

- Hamilton Region Conservation Authority;
- Regional Police.

o The Building Department has advised that:

- the land lettered "a" and "b" cannot be used in the calculation of the gross floor area (G.F.A). Therefore, the lot area will be 6131 m^2 or less.

- the factor for the G.F.A. is 1.7 not 1.8.

- the size of the parking spaces and loading spaces on grade must be shown.

- the distances from the faces of the columns in the underground parking area must be shown.

- the landscape area must be 25% of the lot within the city limits. Shown is 22%.

- the proposed G.F.A. will be in excess of the allowed G.F.A.

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as a separate sanitary sewers and storm sewers are available to service the proposed development.

The designated road allowance width of Grays Road is 30.48 m (100 feet) and Highway No. 8 is 36.58 m (120 feet).

It would appear from the plans submitted that Part 3 of Reference Plan 62R-7618 was dedicated to the Region for road widening on Grays Road by Instrument No. 313403 C.A. It would appear that from our records and plans submitted by the applicant that the road widenings on Highway No. 8 have previously been acquired. We do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, any works within the Grays Road road allowance as widened, must conform to the Region's Roads Use By-law.

With respect to the development of reserved lands being developed with Block 4 of 62M-590 to the north it is the responsibility of the owner to ensure that adequate lands are reserved for residential development on the south side of Berkindale Avenue.

If the applicant's property has frontage on Grays Road, a Building Line Permit is required."

- The Traffic Department has verbally advised that they object to the rezoning in that the proposed commercial parking arrangement is unsatisfactory.

- The City of Stoney Creek Council has advised that:

"Adjacent land uses to the south-east and south-west in Stoney Creek predominately commercial, including restaurants, strip commercial shopping centres and retail stores. Some limited and commercial/residential development and a single detached dwelling are also located adjacent to the subject property.

With regard to the proposed building, staff have serious concerns regarding its compatibility, specifically in terms of scale with surrounding land uses. Development in this area is low in profile, generally no greater than three storeys. The proposed 12 storey building is considered to be out of character.

In addition to the foregoing, access to this development is proposed by way of an existing driveway now used by Northside Plaza in Stoney Creek, which is located on a southerly portion of the applicant's lands. A second access is proposed east to Grays Road.

Staff also noted that approximately 25 percent of the site proposed for the apartment development is already being utilized as a parking lot for Northside Plaza. In this regard, Development and Maintenance Use Agreements are in place for the use of a portion of these lands for the provision of 48 parking spaces (see attached Site Plan). The proposed plan only makes provision for the re-establishment of 29 parking spaces to be situated in a linear arrangement along the southerly limit of the lands intended for residential use. Of these 29 commercial parking spaces, 13 are proposed on vacant lands zoned Existing Residential "ER2" Zone by By-law No. 2175 of the City of Stoney Creek. Furthermore, these lands are designated Residential by the City Official Plan, Low Density Residential by the Western Development Area Secondary Plan and shown as Residential Low Density on the Eastdale Neighbourhood Plan. This proposal to relocate commercial parking onto residential lands conflicts with the City's Official Plan and is not permitted by the implementing zoning by-law. Finally, a review of the minimum parking requirements for Northside Plaza indicates that a minimum of 24 spaces are required. Consequently, inadequate parking for the existing commercial will result.

Based on the foregoing, it is recommended that the City Clerk advise the Regional Planning Staff that the City of Stoney Creek objects to the approval of the City of Hamilton proposed Zoning Amendment No. 89-77."

COMMENTS:

1) The proposal conflicts with the intent of the Official Plan. However, if the application is approved then an Official Plan amendment would not be required.

2) The proposal does not comply with the approved Riverdale East Neighbourhood Plan. A site specific redesignation from "Commercial-Special Provisions" to "High Density Apartments" would be required to permit the proposal.

3) The proposal, cannot be supported for the following reasons:

   a) It conflicts with the intent of the Official Plan, in that the height and bulk of the proposed building will not achieve harmonious design and integrate with the surrounding area. In addition, it is incompatible with the surrounding uses which include one to three storey commercial developments to the south and, existing and proposed single-family dwellings to the north and east.

   b) It is an overintensification of land use, in that the proposed development would have a floor area ratio (F.A.R.) of 3.1 whereas the maximum permitted under the "E" district regulations is 1.7. It should be noted that if the lands were zoned "E-3" (High Density Multiple Dwellings), the City's densest residential zone, then the maximum permitted F.A.R would be 2.55, excluding any density bonus for landscaping.

      The development, as proposed, would yield approximately 216 units per hectare (90 units per acre).

   c) Commercial parking for Northside Plaza would be located on the subject lands. This is contrary to the by-law, in that parking for commercial uses is not permitted in a residential zone because access to a commercial development is prohibited from a residential district.

   d) Based on the information provided by Stoney Creek, (see RESULTS OF CIRCULARIZATION) approximately 25% of the existing lands are used for the 48 parking spaces (24 spaces are required, 24 are additional spaces) for the Northside Plaza in Stoney Creek. There are Development and Maintenance Agreements on the subject lands respecting this parking arrangement. The preliminary site plan indicates that only 16 of the 48 parking spaces for commercial development would be provided on the subject lands with an additional 13 spaces being provided on the lands to the east (Stoney Creek).

The 13 spaces are located on lands that are designated "RESIDENTIAL" in Stoney Creek's Official Plan, "Low Density Residential" in the Western Development Secondary Plan and zoned Existing Residential "ER2" Zone. The location of the 13 spaces conflicts with the Official Plan and is not a permitted use in the Zoning By-law.

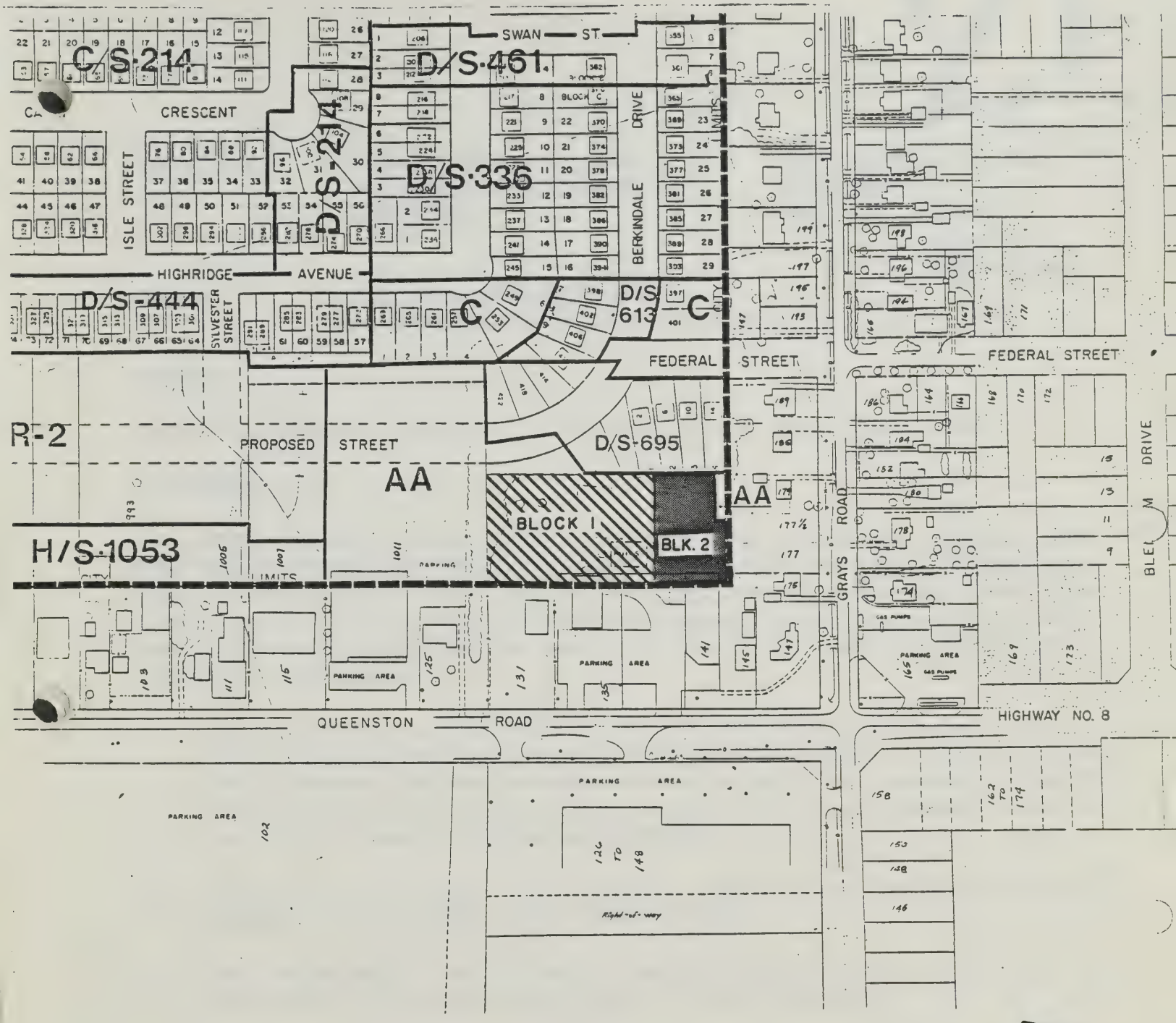
If this development was to proceed, then a shortfall of parking for Northside Plaza would result, because only 16 of the 24 required parking spaces could be provided.

It should be noted, that the Traffic Department has advised that the proposed commercial parking arrangement is unsatisfactory.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA8977



ZA 89-77

LEGEND

PROPOSED CHANGE IN ZONING FROM:

BLOCK 1 — "AA" (AGRICULTURAL) DISTRICT TO "E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT, MODIFIED.

BLOCK 2 — "G-3" (PUBLIC PARKING LOTS) DISTRICT, MODIFIED TO "E" (MULTIPLE DWELLINGS, LODGES, CLUBS, ETC.) DISTRICT, MODIFIED.

21.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: November 22, 1989
COMM FILE
DEPT FILE ZA-89-81
Durand
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 130 Bay Street South (St. Marks Anglican Church).

RECOMMENDATION

That Zoning Application 89-81, St. Marks (Hamilton) Non-Profit Housing Inc., prospective owner, requesting a modification to the established "E-3" (High Density Multiple Dwellings) District regulations, to permit a 10 storey, 48 unit non-profit apartment building, and conversion of part of the existing church building to office use for the Anglican Church-Niagara Diocese, and part for a chapel, for property located at No. 130 Bay Street South, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) The proposal does not comply with the intent of the Official Plan in that the scale, density and bulk of development would be incompatible with the established character of development in this area. Furthermore, the office component cannot be considered as a permitted use within the RESIDENTIAL designation, because it does not primarily depend upon pedestrian access, nor does it serve the needs of the immediate neighbourhood.

ii) The proposal does not comply with the intent of the approved Durand Neighbourhood Plan which designates the site for "CIVIC and INSTITUTIONAL" use.

iii) The proposal conflicts with the intent of the CENTRAL AREA PLAN (O.P.A. 66) which encourages the location of commercial offices in the DOWNTOWN CORE.

iv) The proposal represents an over-intensification of use, in that the proposed floor area ratio (3.77 or 5,318.0 m^2) is approximately 2.2 x greater than what is permitted under the established "E-3" District zoning (1.7 or 2,394.45 m^2). In addition, the required variances for yards, landscaping, etc. are further indications of over-intensification.

v) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan and Zoning By-law; and

vi) It would result in only a partial preservation of a listed building of architectural and historical interest.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The purpose of the proposed modification is to permit the redevelopment of the subject property for a 10 storey apartment building containing 48 units (non-profit). Part of the existing church building will be converted for office use for the Anglican Church - Niagara Diocese, and the front part of the church into a chapel. A total of 48 parking spaces are to be provided (43 underground and 5 on the surface). (See APPENDIX "B" attached).

POSSIBLE PURCHASE OF THE SITE

On October 29, 1989 The Parks and Recreation Committee adopted a recommendation requesting the Co-ordinating Committee to endorse, in principle, the use of the "5% Parks Dedication Fund" for the purchase of the St. Mark's Anglican Church site in the Durand Neighbourhood, if needed for a recreational or cultural facility.

APPLICANT

St. Marks (Hamilton) Non-Profit Housing Inc., prospective owner.

LOT SIZE AND AREA

The subject property is irregular in shape and located at the south west corner of Bay Street South and Hunter Street West having:

- 38.7 m (127.0 ft.) of lot frontage on Bay Street South;
- 31.36 m (102.0 ft.) of lot frontage on Hunter Street West; and,
- 1,408.5 m^2 (15,161.45 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	St. Marks Church	"E-3" (High Density Multiple Dwellings) District
Surrounding Lands		
to the north	Apartment building, a Residential Care Facility and converted dwellings	"E-3" (High Density Multiple Dwellings) District
to the south	Apartment buildings	"E-3 (High Density Multiple Dwellings) District
to the east	Central Public School/ Insurance office	"E-3" (High Density Multiple Dwellings) District, modified
to the west	Apartment building	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan, and located within Special Policy Area 3 on Schedule "B" - Special Policy Areas of the Official Plan. The following policies would apply:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character to the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

Based on the above policy, redevelopment proposed in Residential areas must ensure that the character of the area is maintained or enhanced and that existing facilities and services are not burdened.

A.2.1.14 In evaluating the merits of any proposal for multiple family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower density uses.

C.7.2. Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

Local commercial uses (i.e. offices and stores) are also permitted in a RESIDENTIAL designation provided that:

a) They are primarily dependent on pedestrian access and serve the daily needs of the residents.

b) They are located on a site less than 0.4 ha in size."

In addition, the subject lands are located within Special Policy Area 3. The following policies should be noted.

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area, shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this area to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

ii) Further to the above, a wider variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;

v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

vi) Council will require, when considering a proposed High-Density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site."

The chapel and apartment building are permitted uses within the RESIDENTIAL DESIGNATION. However, the office component cannot be considered as a permitted use because it does not primarily depend on pedestrian access nor does it serve the surrounding neighbourhood.

In accordance with policies A.2.1.13 and A.2.9.3.1, the proposal conflicts with the intent of the Official Plan, on the basis that the scale, density and bulk of the proposal is out of character with the surrounding area.

CENTRAL POLICY AREA

Since the subject lands are located in close proximity to the Central Policy Area, the following policy from subsection A.2.8 can also be applied:

"A.2.8.3 To strengthen the role of the CENTRAL POLICY AREA as the primary commercial centre in the Region, it is intended that:

i) The CENTRAL POLICY AREA will be the preferred location for major commercial establishments in the region;

ii) Subject to the Commercial policies set out in Subsection A.2.2 of this Plan, Council will give preference to proposals for Commercial development beyond the CENTRAL POLICY AREA which do not jeopardize the role of this AREA as the primary Commercial centre in the City and Region;

iii) Major new retail and office uses will be promoted along King Street East in the vicinity of Catherine, Ferguson and Wellington Streets to create identifiable and varied Commercial concentrations; and,

iv) Other new retail and office uses will be encouraged to locate within the existing Commercial areas along James Street North and South, King Street East, and within Hess Village and Jackson Square, to enhance the established retail character of these areas."

The proposal conflicts with the intent of clauses (iii) an (iv) of the Official Plan in that the preferred location for new office uses, such as the 8,200 sq.ft. church diocese office, should be in the Central Policy Area.

CENTRAL AREA PLAN (O.P.A. NO. 66)

It should be noted that Council has reaffirmed its position on the Central Area by adopting OPA 66 - Central Area Plan. Similar to the current O.P. policies, the Central Area Plan establishes the Downtown Core as the most appropriate location for new office buildings. The following policies from subsection A.2.9 - Downtown Core of the Central Area Plan, should be noted.

"A.2.9.2 To strengthen the DOWNTOWN CORE as the primary commercial centre of the Region, the DOWNTOWN CORE will be promoted as the most appropriate location for new office buildings, retail establishments and other concentrated commercial uses which will create employment opportunities, particularly for those who live in the area, and attract people to the area.

A.2.9.3 Council will encourage the following commercial uses to locate in the DOWNTOWN CORE:

i) department stores and other large retail outlets; and,

ii) head and branch offices of finance, insurance, real estate, other service and industrial firms."

NEIGHBOURHOOD PLAN

Designated for "CIVIC and INSTITUTIONAL" use on the approved Durand Neighbourhood Plan, the proposal does not comply.

Approval of the application would require redesignation to "HIGH DENSITY RESIDENTIAL" with a site notation permitting the church and offices within the existing building.

COMMENTS RECEIVED

o The Building Department has advised that:

"1. Offices are not allowed in the "E-3" zone.

2. The north, south and west building setbacks are insufficient based on the front yard being Bay Street South.

3. The balconies at the rear of the building project beyond the 1.0 m encroachment requirement.

4. A landscaped area of 564 m^2 is required as opposed to 485 m^2 proposed.

5. A total of 48 parking spaces are required for the mixed use building, 39 spaces for the residential component and 9 spaces for the commercial component. Of the total of 48 spaces, 32 spaces must be signed and designated for residential use, the balance for the commercial use.

6. Two loading spaces, 1@ 3.7 m x 18.0 x 4.3 m and 1@ 3.7 x 9.0 x 4.3 m are required for the combined commercial/residential uses.

7. The gross floor area will be exceeded.

8. Does any part of the underground parking structure project above the curb level or either street?

9. There are no measurements shown for the parking and loading areas. Measurements must be from the face of the columns in the underground area.

10. Further comments will be made when a more complete plan is submitted and a final approval is made concerning the building details.

11. The street number for this property on zoning maps is 120 Bay Street South."

o To date, the Traffic Department has submitted no comments.

o The Engineering Department has advised that:

"The designated road allowance width of Bay Street, south of Hunter Street is 20.12 m (66 feet). According to our records (streets inventory, B284 Roadways & 72-S-241), the existing road allowance of Bay Street is 20.12 m (66 feet). The existing and designated road allowance width of Hunter Street is 20.12 m (66 feet). The only outstanding road allowance widening still required is a 6.096 m x 6.096 m daylight triangle at the south west angle of Hunter Street and Bay Street. Therefore, as a condition of development approval, we recommend that a 6.096 m daylight triangle be dedicated to the Region. All setbacks should be taken from the widened limits.

According to plans submitted by the applicant, there are existing hedge and fence encroachments into the road allowances. The existing hedge is contrary to the respective Streets By-laws and is there at the risk of the applicant/owner. According to our records, the fence encroachment into the adjacent road allowances was covered by an encroachment agreement with the City of Hamilton registered as Instrument No. 257603 H.L. in December 1963. Since then, Bay Street has become a Regional Road and the status of the previous encroachment agreement should be determined. Any heavy landscaping within the daylight triangle requires an agreement with the Region.

According to preliminary plans submitted by the applicant, there are accesses to be constructed on Bay Street and Hunter Street. We submit the following comments on the site plans:

In order to provide adequate visibility within the road allowances, it appears that the entire fence and hedge encroachments must be removed from the road allowance.

The access to Hunter Street for the underground garage and the loading must be designed so as to provide adequate sight distances. All vegetation, other objects, etc. within a 5 m x 5 m daylight vision triangle between access and the property line must not exceed a height of 0.80 m above the corresponding centre line perpendicular elevation of Hunter Street. All grades of accesses and driveways within the road allowance should not exceed 3 percent. We also recommend that the drop off on Bay Street be on private property only since the future widening, etc. of pavement and sidewalk on Bay Street with the utilities will require the available width. This appears to be physically possible according to the plans submitted. The grades of the accesses on private property within a minimum 6.0 metres of the street line/property line should not exceed 5% and the grade of the dropoff on private property and the ramp to the underground garage must reflect these requirements. The apparent extension of a wing wall between the loading areas and the underground garage should be recessed to private property and also must conform to our sightline restrictions. Comments from the Traffic Department should be considered as it appears that the building overhang may limit the ability of trucks to access the loading area.

According to our records, the alley adjacent to the south limit of the church is public unassumed and thus the City of Hamilton cannot guarantee free and clear access to the parking area behind the church. Comments from Traffic Department on on-site manoeuvring should be considered.

According to plan submitted by the applicant the existing church building encroaches into the Bay Street road allowance. Therefore we recommend that as a condition of approval that the owner enter into an encroachment agreement with the Region."

- The Hamilton Region Conservation Authority and Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Local Architectural Conservation Advisory Committee Staff has advised that:

The building is listed on the Inventory of Buildings of Architectural and Historical interest in Hamilton. The following additional comments were provided:

"...the proposed scheme did not preserve enough of the building to be meaningful. Ideally, the entire church would be preserved and adaptively re-used as church offices and a chapel, with the proposed 10-storey housing development built on another site. If the housing project does go ahead, however, the trade off for the increased density and commercial use should be the retention of at least the entire church sanctuary and tower. It was pointed out that if the air rights over the parking area now owned by the high rise apartment building directly behind the

COMMENTS

1. The proposal does not comply with the intent of the Official Plan, in that the scale, density and bulk of building would be out of character with development in this area. Furthermore, the office component cannot be considered as a permitted use within the RESIDENTIAL designation because, it does not primarily depend on pedestrian access, nor does it serve the needs of the immediate neighbourhood.

2. The proposal does not comply with the intent of the approved Durand Neighbourhood Plan which designates the site for "CIVIC and INSTITUTIONAL" use. Approval of the application would require redesignation to "HIGH DENSITY RESIDENTIAL".

3. The proposal conflicts with the CENTRAL AREA PLAN (O.P.A. 66) which encourages the location of commercial offices in the DOWNTOWN CORE.

4. Notwithstanding that the proposal would provide needed affordable housing units, it cannot be supported for the following reasons:

   - o it conflicts with the intent of the Official Plan, approved Durand Neighbourhood Plan, and Central Area Plan;

   - o the bulk, scale and density of development would be incompatible with the established character of the surrounding area;

   - o it represents an over-intensification of land use, in that the floor area ratio (3.77 or 5,318 m^2) is approximately 2.2 x greater than what is presently permitted for a lot of this size under the established "E-3" District zoning (1.7 or 2,394.45 ^{2}), excluding density bonuses for landscaping.

     This translates to a density of 343 units per ha or 138 units per acre, not including the area for offices and the chapel;

   - o it does not preserve enough of the existing building which is of architectural and historical significance, in that only the chapel (98 m^2 - tower) is to be retained. In this regard, it would be more appropriate to only allow for the conversion of the existing building for office use and a chapel;

   - o approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan. Neighbourhood Plan, and Zoning By-law.

5. On the basis of a preliminary site plan submitted with the application, the Building Department has identified the following additional by-law variances:

- o approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan, and Zoning By-law.

5. On the basis of a preliminary site plan submitted with the application, the Building Department has identified the following additional by-law variances:

- o Yard Requirements

  The following yard variances would also be required for the proposed development (Sections 11C(2)(b) & (c)).

Yard	Proposed	Required
north side yard	2.80 m	7.5 m
south side yard	0.75 m	9.0 m
westerly side yard	1.50 m	3.61 m
westerly rear yard	4.0 m	7.51 m

- o Balcony Projections
  (Section 18.(3)(vi(cc)(i))

Rear Yard	Proposed	Permitted
	1.50 m	1.0 m

- o Landscaped Area
  (Section 11C(5))

	Proposed	Required
	485.0 m^2 (34.4%)	564.0 m^2 (min. 40%)

- o Loading Spaces

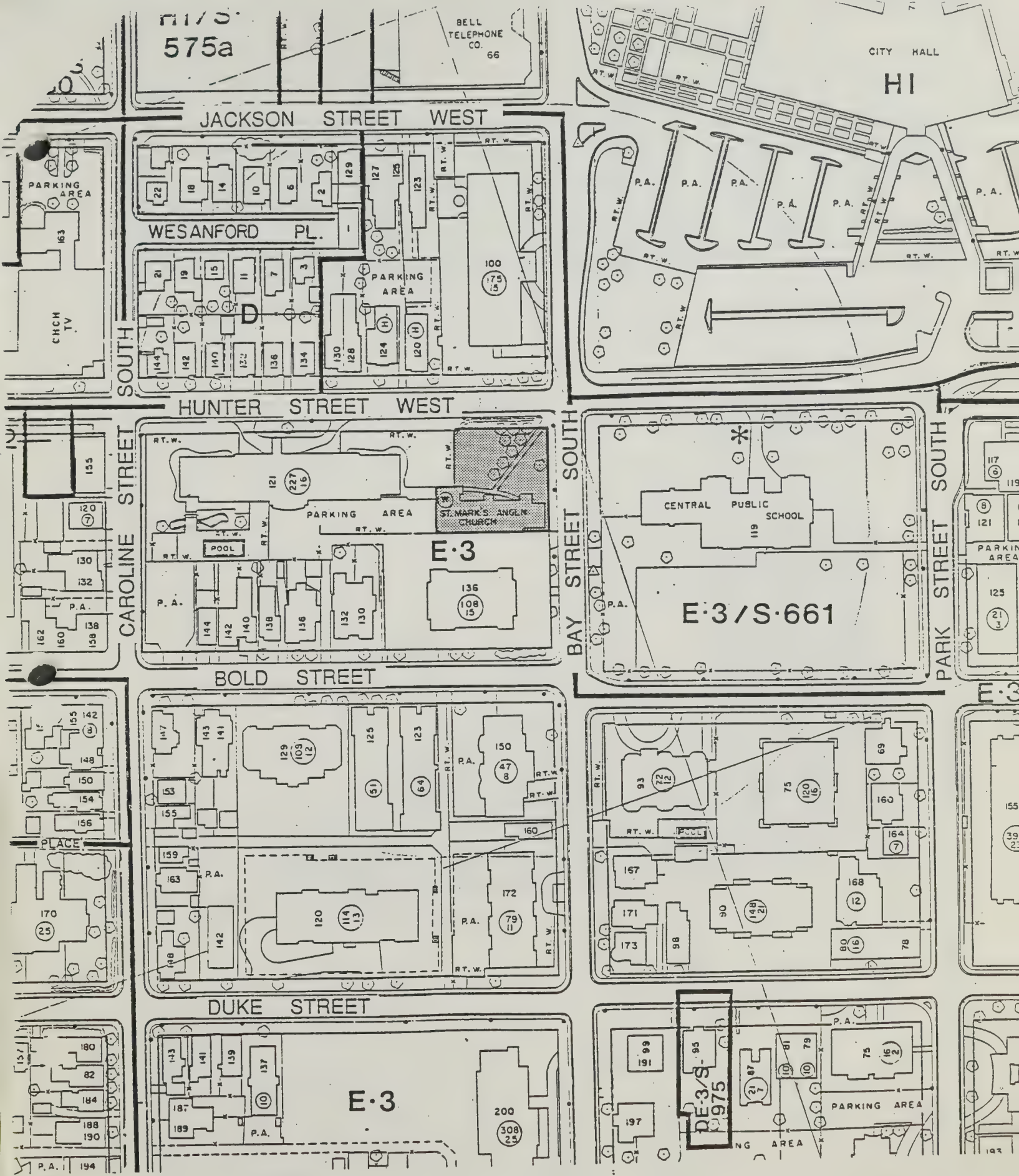
  Two loading spaces, 1@ 3.7 m x 18.0 m x 4.3 m and 1@ 3.7 m x 9. 0 m x 4. 3 m are required, whereas only 1@ 2.8 m x 6.5 m x 4.3 m is proposed.

The above noted by-law variances are a further indication of an overintensification of land use.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma
WPZA8981



Legend

Site of the Application

ZA-89-81

APPENDIX A

PARKING	REQ'D	PROVIDED
APTS	36	28
OFFICES	27	20
TOTAL	63	48

APARTMENT BUILDING

FLOOR	1 BR	2 BR	4 BR
G			
-2	1 (H/C)	1 (SUPT)	
-3	3	2	
4	4	2	
5	4	2	
6	4	2	
7	4	2	
8	4	2	
9	4	2	
10	3	1	1
TOTALS	31	16	1

48 UNITS

LANDSCAPED AREA: ± 485 SM

GROSS AREAS		
SITE AREA	- 1408.5	SM
BUILDING	- 530.0	SM
FLOOR AREA	- 5318.0	SM
FLOOR/SITE RATIO	- 3.77 TO 1	
APARTMENTS	- 4455	SM
OFFICES	- 765	SM
CHAPEL	- 98	SM

NO.	DATE	DESCRIPTION

REVISIONS

PRINTED

DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON THE SITE

PROJECT NUMBER

DRN.	CHKD.	DATE	SCALE
			1:200

PROJECT TITLE
ST. MARK'S HAMILTON
NON-PROFIT HOUSING

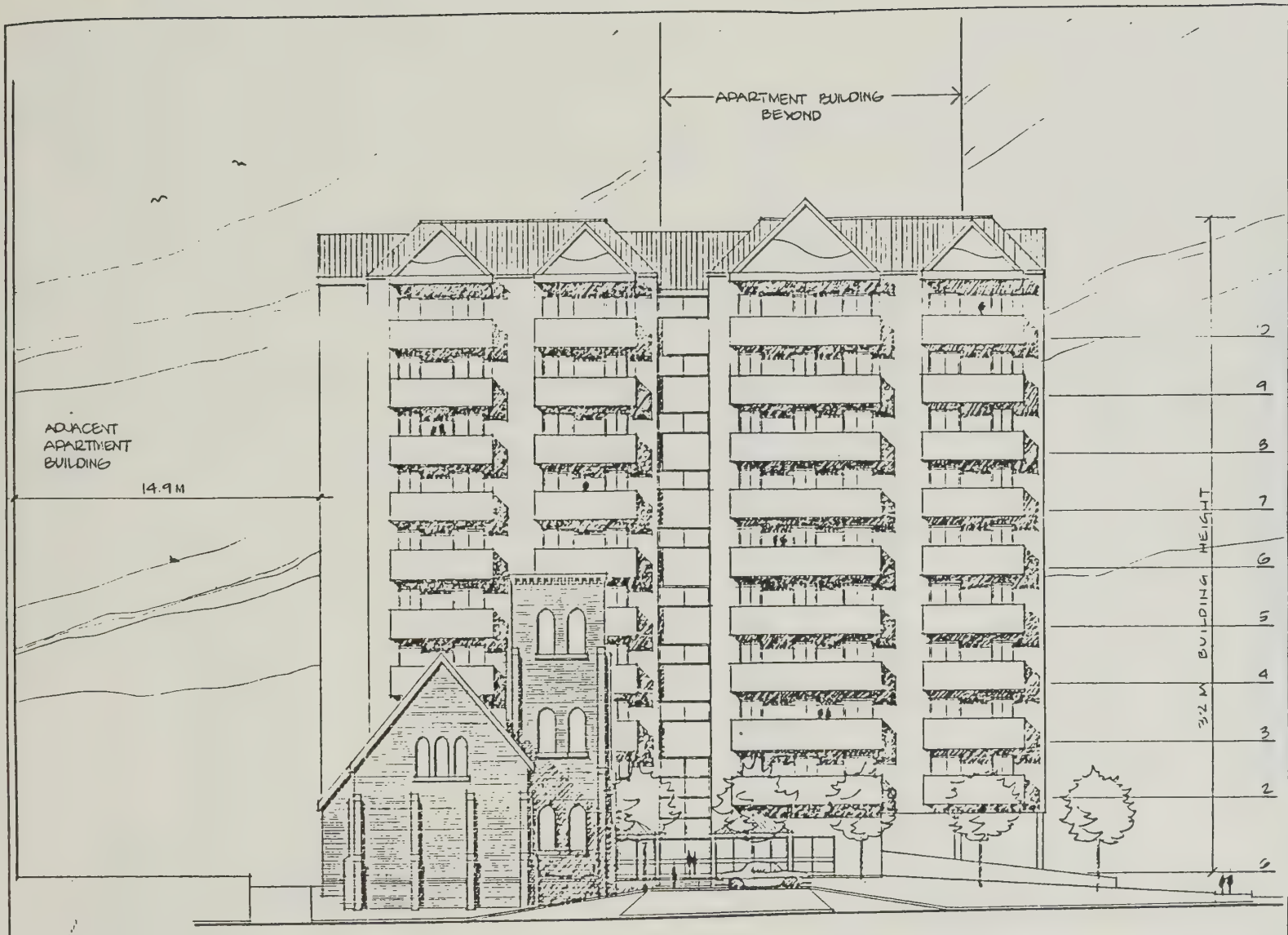
DRAWING TITLE
GROUND FLOOR & SITE PLAN

TREVOR P. GARWOOD-JONES architect inc.
185 Young Street, Hamilton L8N 1V9, Ontario
Tel 528-0468 Fax 523-7663

Oct 19/89

PROPOSED APARTMENTS
BAY ST. S & HUNTER ST. W
HAMILTON, ONTARIO

APPENDIX B



NO.	DATE	DESCRIPTION
REVISIONS		
PRINTED		

DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON THE SITE

PROJECT NUMBER

DRN.	CHKD.	DATE	SCALE
			1 : 200

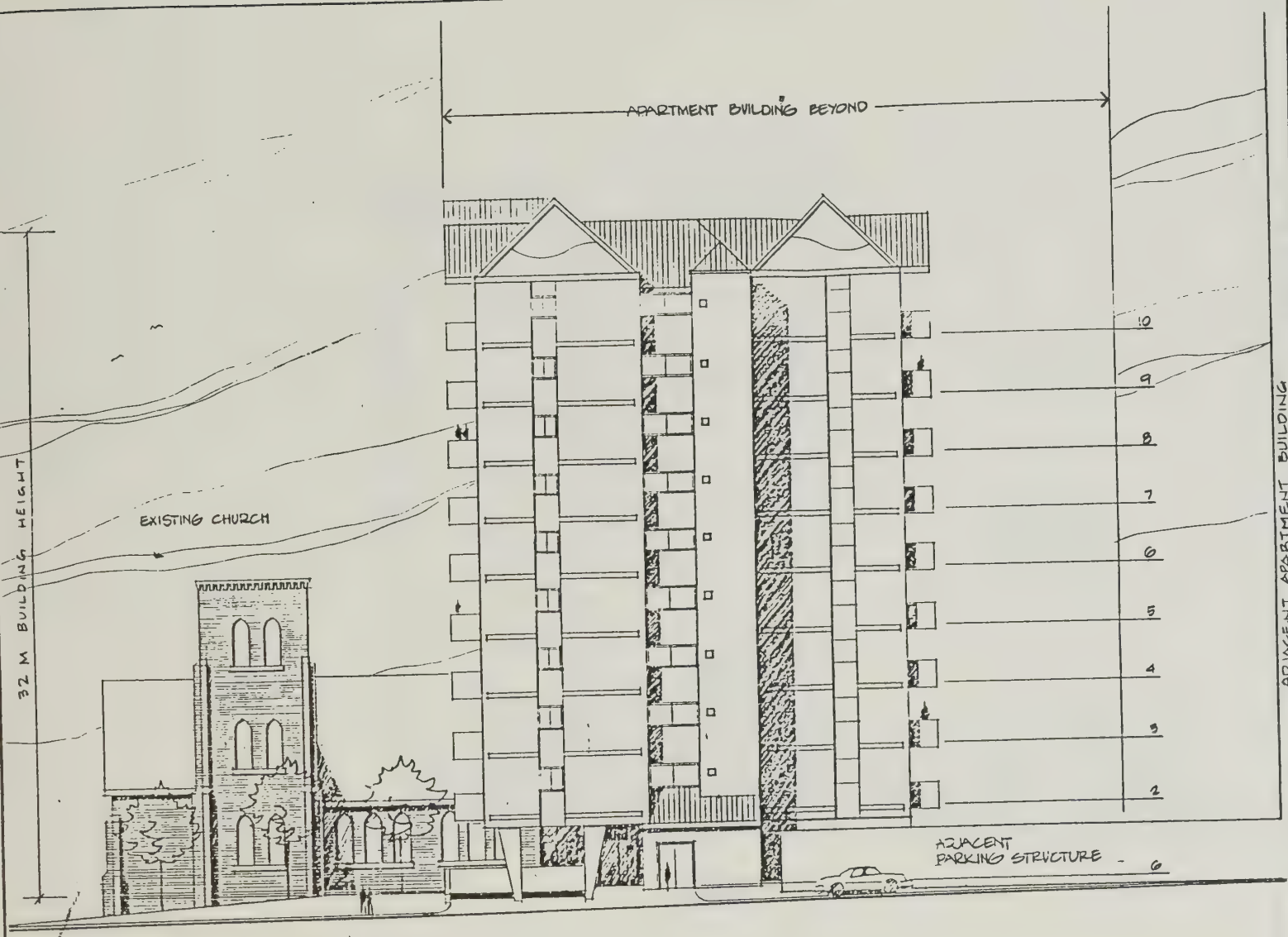
PROJECT TITLE
ST. MARK'S HAMILTON
NON-PROFIT HOUSING

DRAWING TITLE
EAST ELEVATION

TREVOR P. GARWOOD-JONES architect inc.
185 Young Street, Hamilton L8N 1V9, Ontario
Tel 528-0468 Fax 523-7600

PROPOSED APARTMENTS
BAY ST. S & HUNTER ST. W
HAMILTON , ONTARIO

APPENDIX B



NO.	DATE	DESCRIPTION
REVISIONS		
PRINTED		

DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON THE SITE

PROJECT NUMBER

DRN.	CHKD.	DATE	SCALE
			1 : 200

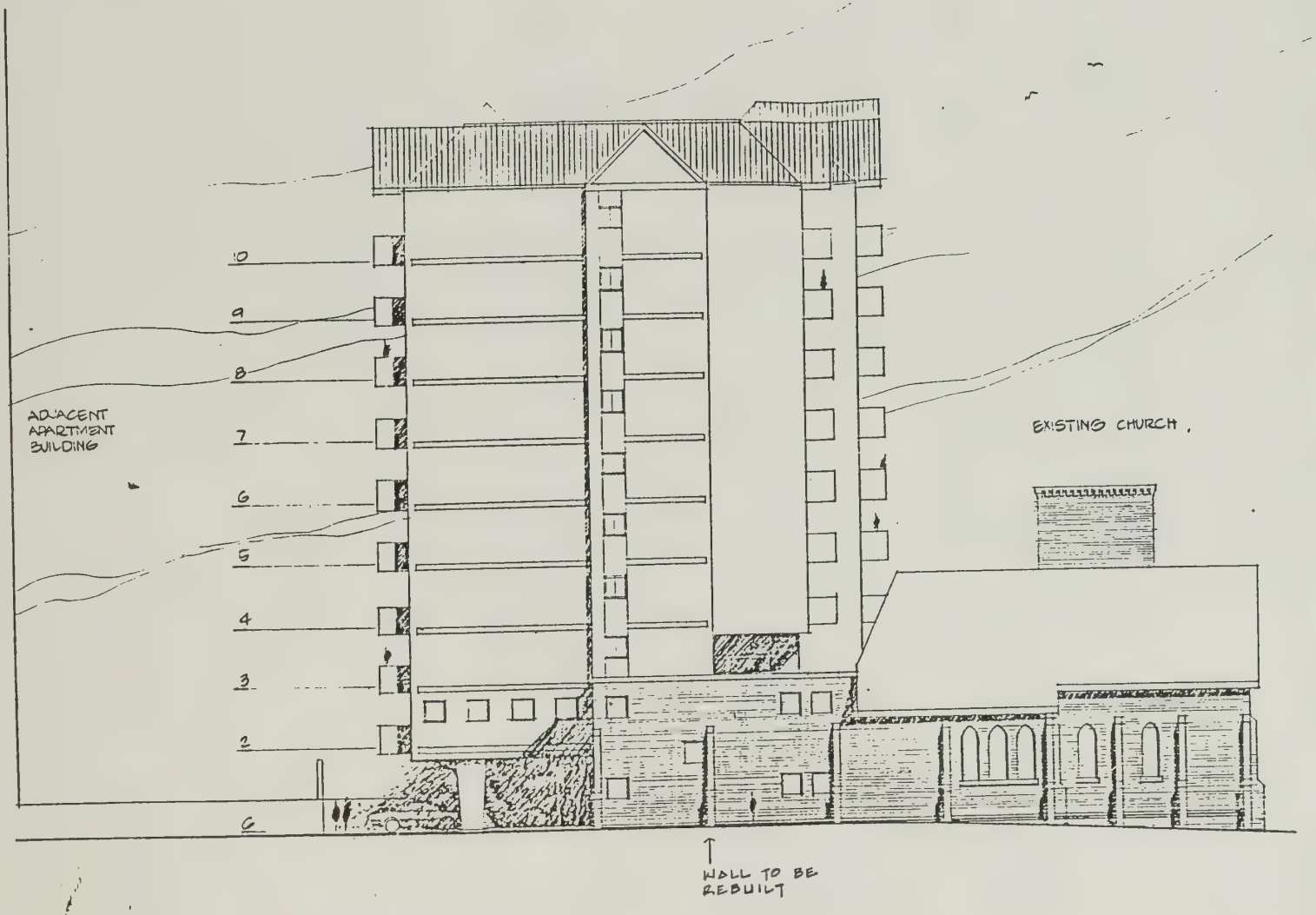
PROJECT TITLE
ST. MARK'S HAMILTON
NON-PROFIT HOUSING

DRAWING TITLE
NORTH ELEVATION

TREVOR P. GARWOOD-JONES architect inc.
185 Young Street, Hamilton L8N 1V9, Ontario
Tel 528-0468
Fax 523-7600

PROPOSED APARTMENTS
BAY ST. S & HUNTER ST. W
HAMILTON , ONTARIO

APPENDIX B



NO.	DATE	DESCRIPTION
REVISIONS		
PRINTED		

DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE CONTRACTOR ON THE SITE

PROJECT NUMBER

DRN.	CHKD.	DATE	SCALE
			1 : 200

PROJECT TITLE
ST. MARK'S HAMILTON
NON-PROFIT HQUSING

DRAWING TITLE
SOUTH ELEVATION

TREVOR P. GARWOOD-JONES architect inc.
185 Young Street, Hamilton L8N 1V9, Ontario
Tel 528-0468 Fax 523-7600

PROPOSED APARTMENTS
BAY ST. S & HUNTER ST. W
HAMILTON , ONTARIO

APPENDIX B

21a.

JOHNSTON & PEART
BARRISTERS & SOLICITORS

ROBERT S. JOHNSTON, Q.C.
JAY E. PEART, LL.B.

P. O. BOX 333
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO
L8N 3C8

November 17, 1989

Planning & Development Committee
Corporation of the City of Hamilton
City Hall
Hamilton, Ontario
L8N 3T4

Gentlemen:

RE: Application of St. Mark's, Hamilton
Non-Profit Housing Incorporation
130 Bay Street South

Your notice of the meeting for November 29th, 1989, is acknowledged. I am enclosing herewith a copy of a letter sent to the Parks Board regarding the Diocese of Niagara explaining the opposition of myself for the application.

St. Mark's Church is situated, as you are aware on the south west corner of Hunter and Bold Streets and is commonly called "God's Acre". It is park area in conjunction with the church and in the event of the church being demolished and an apartment being erected thereon the parking problems which already exists in that area will be absolutely overwhelmed. At the present moment, there is no area available for parking on Bay Street within the blocks continguous to the church and in addition , with greatest of respect, a non-profit apartment erection on that property will create further traffic in an already overloaded corner, and it is respectfully submitted that the area should be retained as parkland and not to be used for any other purpose particularly an apartment building.

Would you please accept this opposition notice accordingly.

Yours truly,

JOHNSTON & PEART, Barristers
Per:

Robert S. Johnston, Q.C.

RSJ/lv
Encl.

JOHNSTON & PEART
BARRISTERS & SOLICITORS

COPY

TELEPHONE 527-4521
P. O. BOX 333
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO
L8N 3C8

ROBERT S. JOHNSTON, Q.C.
JAY E. PEART, LL.B.

November 20, 1989

His Worship Mayor Robert Morrow
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Your Worship:

I am writing to you because of a notice just received from the Planning and Development Committee pertaining to the property known as St. Mark's Church, 130 Bay Street South. I am also sending a copy of this letter to the Heritage Committee also to the Park's Commission and the Architectural Society.

Mrs. Johnston and I are tenants at 136 Bay Street South and we have always regarded the property as an exceptional spot and in fact have alluded to it in many instances as "God's Acre".

I feel that it would be most regretable for the lovely park area that is contained with the church to be absorbed by another subsidized apartment building. The parking situation on Bay Street, as you are well aware, is practically non-existent and additional traffic to the corner will create more hazards, not only for cars but also for school children who will be crossing the street to attend Central School where your nephew and neices attend.

I would resepectfully suggest that if the church wishes to erect an office building there for their own use than that would be in order but to add ten stories of apartment living would be most disasterous.

The parks that are available in the area are few and far between and the closest one to my recollection is the one on Herkimer and Charlton Avenue in the Durrand area. I realize that the Synod possibly feels that it is not practicle to carry on the existing church because of the few people attending, but in their wisdom, I would imagine that they would agree with you and with others that there are certain priorities which should be regarded.

It is my intention to appear at the time of the hearing and I know that a petition is being circulated by the other tenants of 136 Bay Street South and also from people farther south namely at the Berkshire Apartments at 176 Bay Street South.

Our Heritage Commission and the Architectural Preservation Board I believe , are also very interested in opposing the proposal and I am writing merely as an interested citizen and the respector of the arts and also considering the problems which can be created by even further building development on the corner and the safety of the citizens of Hamilton.

I respectfully submit this to you for your consideration and that of your board and any other board which may be interested in the matter.

I am enclosing a copy of the letter sent to the Planning and Development Department.

Thanking you, I remain

Yours truly,

JOHNSTON & PEART, Barristers
Per:

Robert S. Johnston, Q.C.

RSJ/lv

Encl.

CC to: Mr. R.S. Johnston, Q.C.
Heritage Committee
Park's Commission
Architectural Society
Diocese of Niagara

21b.

DURAND NEIGHBOURHOOD ASSOCIATION INC.

To: Planning & Development Committee
From: Task Force on St. Mark's Church Redevelopment
Date: Nov. 29, 1989
Re: St. Mark's Church Rezoning Application

In response to concerns expressed by its members and neighbours of St. Mark's Church, the Durand Neighbourhood Association voted at its annual meeting in June to create a Task Force to review the proposal for redevelopment of the church property. The Task Force was drawn from the community at large, including representatives of the Home and School Association of Central Public School, the Ward School Trustees and Aldermen, CAPIC, LACAC, Social Planning and Research Council, Planning Department and independent local residents. It met twice with the St. Mark's Non-Profit Housing Corporation and its architect.

The Task Force identified a number of concerns related to Planning and Heritage issues:

- The density of the building in an area already saturated with high rise/high density structures;
- Loss of the open, green space at this intersection;
- Availability of adequate off-street parking for residents, guests and office personnel;
- Increased traffic and potential danger to young children at Central Public School;
- Demolition or severe modification of the building, which LACAC finds of sufficient heritage interest to warrant its preservation and which forms an important part of a late 19th century streetscape;
- The impact of this development in relation to the surrounding environment, especially in the context of open space, traffic and parking should plans proceed for a new Regional headquarters across the road from this site.

In expressing these concerns, the Task Force suggested that the Church consider relocating to another site. The Church authorities indicated willingness to study this alternative provided a suitable offer is forthcoming. As you are aware, procedures meanwhile have been initiated to explore municipal funding to purchase the site and the City is researching different potential uses for the property, including relocation of the Children's Museum or establishment of a Cultural Centre.

The Task Force asked the Church, if relocation is not feasible, to address the concerns raised to ensure the project does not jeopardize the quality of life for existing residents in the surrounding area. The revised architectural plans, in response to the request, maintain more green space and the placement of the building on the site appears to keep the corner clear for maximum visibility of traffic. However, the plans still indicate insufficient provision of on-site parking and that the building exceeds legal density/space requirements.

The Task Force concludes it would be in the City's best interests either to reject the rezoning application, in its present form, or to table it pending the outcome of the current explorations concerning municipal purchase of the site for an alternative use.

L. A. Prociuk, Chair
Task Force on St. Mark's Church

NOV 20 1989

412-121 Hunter St. W.
Hamilton, Ont. L8P 1R2
Nov. 16, 1989

21c.

Secretary,
Planning and Development Committee
City Hall, Hamilton, Ontario L8N 3T4

Dear Sir or Madam,

re: Proposed change to the Established "E-3" High Density Multiple Dwelling district regulations - 130 Bay St. S. for consideration of 10-story apartment building

I am opposed to the proposed change because I understand the High Multiple Dwelling is proposed 45 units (non profit) is intended for occupancy by single parents. I feel the location at the corner of Bay and Hunter streets is no place for children for three reasons:

(1) There is heavy traffic on Bay and Hunter Streets
(2) The right-of-way (plan E-3) along the proposed building leads to a parking area for tenants of 121 Hunter West and a smaller area for tenants of 136 Bay S. Besides cars for tenants, moving vans, delivery trucks, etc., use this lane.
(3) There is a swimming pool at the end of

the above-mentioned parking area. Having seen children climb the wall on the north side of the parking area, there might be a temptation to try and gain access to the pool.

Yours truly,
Marie Stock.

CA4ONHBLA05
C51P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

Urban Municipal Librarian/
Central Library

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 December 1

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1989 November 1st.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 November 29th..

Yours very truly,

Susan K. Reeder.

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:mc
Attch.

c.c.'s
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

I.

Wednesday, 1989 November 1
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman H. Merling
Alderman B. Hinkley
Alderman D. Christopherson
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross

Also present:
Alderman G. Copps
Alderman J. Gallagher
Mr. A. Georgieff, Planning Department
Mr. D. Godley, Planning Department
Mr. D. Pickard, Building Department
Mr. W. Wong, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Ms. J. McNeilly, Community Development Department
Mr. E. Kowalski, Director of Community Development
Mr. J. Robinson, Community Development
Mr. V. Matus, Planning Department
Mr. B. Allick, Building Department
Mr. M. Cornell, Planning Department
Mr. P. Mallard, Planning Department
Mr. G. Groppler, Planning Department
Mrs. Susan K. Reeder, Secretary

Minutes - 1989 September 27

The Committee was in receipt of the minutes of their meeting held Wednesday 1989 September 27 and APPROVED these minutes.

Demolition Permi Applications

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 25 respecting demolition permit applications.

Alderman Merling requested information on who the principles (owners) are for property at 69 Rymal Road East and 75 Rymal Road East since the owner is shown as 779501 Ontario Limited. Alderman Merling also requested information on the intended use for property at 227 Stone Church Road East.

The Committee then APPROVED the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits to the following properties:

(a) 8 McKinstry
(b) 223 Ferrie Street East
(c) 1780 Main Street West
(d) 1790 Main Street West
(e) 1796 Main Street West
(f) 1808 Main Street West
(g) 695 Rymal Road East

It was agreed that the demolition permit applications for property at 69 Rymal Road East, 75 Rymal Road East and 227 Stone Church Road East would BE TABLED in order that the Building Commissioner could provide Alderman Merling with the information he requested. The Committee also agreed that if Alderman Merling is satisfied with this information, that the three properties could be processed to City Council.

Computer Work Stations in the Building Departm

The Committee was in receipt of a report from the Building Commissioner dated 1989 October 27 respecting provision of computer work stations in the Building Department.

The Committee APPROVED the following:

(a) That the Building Department, in conjunction with Information Systems, BE AUTHORIZED to obtain 15 additional computer workstations.

(b) That the estimated leasing cost of $2,250. for a possible one month in 1989 BE FUNDED from overall savings in the Building Department in the salary accounts due to delayed hiring.

(c) That the estimated annual leasing costs of $27,000. BE PLACED in the 1990 budget of the Building Department and an equal offsetting amount be shown as a reduction to staffing costs accounts or other accounts where a saving can be demonstrated due to productivity improvements.

NOTE: No additional funds are requested for 1989 due to a savings in the Building Department's accounts.

The annualized costs of this equipment will be provided by reducing the 1990 budget request for staffing costs or other cost savings due to productivity improvements by at least as much as the equipment lease costs for the year.

1990-1994 Capital Budget - Central/ Beasley P.R.I.D.E.

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 20 respecting 1990 - 1994 Capital Budget - Central/Beasley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.).

The Committee APPROVED the following:

That provision be made in the 1990 - 1994 Capital Budget for the implementation of P.R.I.D.E. in the Central/Beasley Neighbourhood at a gross cost of $800,000. ($400,000. Municipal, $400,000. Provincial).

NOTE: The maximum Provincial allotment is $400,000. which must be matched by a Municipal Commitment of $400,000. giving a total project cost of $800,000. over the next three years.

1990-1994 Capital Budget Residential Conversion Loan Programme for Barton Street

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 19 respecting 1990 -1994 Capital Budget - Residential Conversion Loan Programme for Barton Street.

The Committee APPROVED the following:

That the Department of Community Development be authorized to include the 1990 - 1994 Capital Budget, an amount of $800,000. for the Implementation of a Residential Conversion Loan Programme for Barton Street.

Kirkendall - Strathcona N.I.P. - Wesley Urban Ministries

The Committee was in receipt of an Information Report from the Director of Community Development dated 1989 October 25 respecting Kirkendall - Strathcona Neighbourhood Improvement Programme (N.I.P.), Wesley Urban Ministries, provision of services as outlined in the agreement with the City of Hamilton.

The Committee agreed TO RECEIVE the above noted Information Report and further that the Community Development Department be directed to advise the Wesley Urban Ministries of the Committee's receipt of this information. The Committee also specified that Ms. Bolton, Executive Director for Wesley Urban Ministries, be advised that any specific requests for action would require a specific application with regard to their request.

Wall Mural Program within B.I.A.'s, Commercial Improvement Program

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 26 respecting Wall Mural Program within Business Improvement Areas (B.I.A.), Commercial Improvement Program.

The Committee APPROVED the following:

(a) That funds BE MADE AVAILABLE from the Commercial Improvement Programme to assist with the implementation of a wall mural program in all of the B.I.A.'s; and,

(b) That 50% of the costs BE COVERED under the Commercial Improvement Programme to a maximum of five thousand dollars ($5,000.) for each mural; and,

(c) That the remaining 50% BE FUNDED by the B.I.A. or its corporate sponsors, the property owner and/or the Commercial Facade Loan Programme if a property owner is eligible for funding.

NOTE: Each mural application will be eligible for matching funding through the Commercial Improvement Programme to a maximum of five thousand dollars ($5,000.). Also, the remaining 50% will be eligible under the terms and conditions of the Commercial Facade Loan Programme if the property owner wishes to make application.

Computer Work Stations in the Department of Community Development

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 26 respecting provision of Computer Work Stations in the Department of Community Development.

The Committee APPROVED the following:

(a) That the Community Development Department, in conjunction with Information Systems, BE AUTHORIZED to obtain two (2) additional computer workstations;

(b) That the estimated leasing cost of $300. for a possible one month in 1989 BE FUNDED from overall savings in the Community Development Department in the salary 51000 40001 accounts due to not filling temporary help.

(c) That the estimated annual leasing costs of $3,600. BE PLACED in the 1990 budget of the Community Development Department and an equal offsetting amount be shown as a reduction to staffing costs accounts.

NOTE: No additional funds are requested for 1989 due to a savings in the Department's accounts.

The annualized costs of this equipment will be provided by reducing the 1990 budget for staffing costs, or other cost savings due to productivity improvements, by as much as the equipment lease costs for the year.

1990-1994 Capita Budget - Central Beasley Special Initiative to Support Housing Intensification

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 27 respecting 1990 -1994 Capital Budget - Central/Beasley Special Initiative to Support Housing Intensification.

The Committee APPROVED the following:

That provision be made in 1990 -1994 Capital Budget for the implementation of the P.R.I.D.E., Special Initiative to Support Housing Intensification Programme in the Central/Beasley Neighbourhoods, at a gross cost of $2,000,000. (50% Provincial, 50% Municipal).

NOTE: The maximum Provincial allocation is $1,000,000., giving a total project cost of $2,000,000. Financing will not be requested until an allocation has been awarded to the City of Hamilton by the Ministry of Municipal Affairs.

Cash in lieu of Parkland - Wentwal Estates

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 October 23 respecting cash payment in lieu of 5% parkland dedication - Wentwal Estates.

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of $16,770. as cash payment in lieu of 5% dedication in connection with "Wentwal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper Wentworth Street and north of Rymal Road in the Barnstown Neighbourhood, Hamilton.

Treatment of Blank Walls in the Downtown Action Plan Area

The Committee was in receipt of a report from the Director of Community Development dated 1989 October 25 respecting treatment of blank walls in the Downtown Action Plan Area and APPROVED the following:

That the Planning and Development Department be requested to include in their Terms of Reference for "The Review of Buffering to Parking Lots" a means of addressing the aesthetics of blank walls created by building demolitions in the Downtown Action Plan Area.

Comprehensive Audit - Community Development Department

The Committee was in receipt of a memorandum from the Secretary of Finance Committee dated 1989 September 22 respecting the Comprehensive Audit on the Community Development Department.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1989 July 13 respecting the Director's comments on this Comprehensive Audit Report.

Considerable discussion ensued on the Comprehensive Audit Report as well as the comments on the report by the Director of Community Development.

The Committee then APPROVED the following:

That this matter respecting the Comprehensive Audit Report on the Department of Community Development BE TABLED in order that the Director of Community Development can report back to the Planning and Development Committee with a report on how the Comprehensive Audit Report and its suggestions could be implemented.

NOTE: It was also agreed that the Municipal Non-Profit Housing Corporation should report directly to the Finance Committee with respect to their recommendations on how the Comprehensive Audit Report and its suggestions could be implemented.

Tiffany Block

Alderman McCulloch spoke on the Tiffany Block and Mr. M. Cupido of Cupido Realty was in attendance at the meeting. Alderman McCulloch requested that a Public Meeting on the Neighbourhood Plan for this area be held as quickly as possible. Alderman McCulloch indicated to the Committee that Mr. Cupido has a Conditional Offer to purchase these lands which is renewable the end of the year. Mr. Cupido needs to have some idea from the City on whether he can proceed with his proposal to build affordable homes on these lands.

Accordingly, the Committee approved that a Public Meeting on the Neighbourhood Plan be held as quickly as possible.

Social Services comments - 10 Herkimer Street

The Committee was in receipt of a report addressed to Alderman Christopherson from the Commissioner of Social Services dated 1989 October 12 respecting the staff comments from the Social Services Department contained in a Zoning Application for property at 10 Herkimer Street.

The Report advised that the comments made "The Durand Neighbourhood Association strongly suggests that they be asked for comments regarding this expansion plan" were inappropriate from a Social Services prospective and that in future such comments will be made to the appropriate Departmental Planning and Development staff.

Accordingly the Committee agreed TO RECEIVE this Information Memorandum.

Terms of Office - Committee of Adjustment - Alderman Merling, Alderman Lombardo

The Committee was in receipt of a report from the Co-ordinator of the Committee of Adjustment dated 1989 October 24 respecting the terms of offices serving on the Committee of Adjustment for Alderman H. Merling and Alderman F. Lombardo.

The Committee APPROVED the following:

That Alderman H. Merling and Alderman F. Lombardo BE APPOINTED to serve on the Committee of Adjustment for a one year term expiring on 1990 November 30.

Comments - Busine Land Use Advisory Board - 286 Sanfo Avenue North

The Committee was in receipt of a memorandum from the Chairman of the Business Land Use Advisory Board dated 1989 October 4 respecting the Business Land Use Advisory Board for comments on Zoning Application 89-55 for property at 286 Sanford Avenue North.

The Committee agreed TO RECEIVE this letter of comment.

Proposed Amendmer No. 45 to the Hamilton-Wentwort Official Plan

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 23 respecting Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan.

The Committee APPROVED the following:

(a) That the Regional Municipality of Hamilton-Wentworth BE NOTIFIED that Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton; and,

(b) That the City Clerk BE DIRECTED to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above.

NOTE: The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan. The purpose of the proposed Amendment is to allow the sale of motor vehicles on a 0.718 hectare (1.775 acre) site, located on the north-east corner of Twenty Road East and Highway No. 6 in the Township of Glanbrook.

Main Street West Entrance

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 10 respecting opportunities for the improvement on Main Street West between the Main Street West exit on Hwy. 403 and Queen Street.

Mr. V. Matus of the Planning Department outlined the report with respect to the Main Street West gateway concept.

The Committee then approved the following:

(a) That the Main Street West concept contained in the Planning and Development Department Report entitled "City Entrance - Main Street West", BE ACCEPTED, and;

(b) That the Planning and Development Department INCLUDES in its 1990 Work Program, Land Use and Neighbourhood Planning studies of the Main Street West corridor and the adjacent areas, and;

(c) That Main Street West, from the East side of Locke Street to the west side of Queen Street, become the first phase of the implementation schedule since the Community Development Department has already established a Business Improvement Area (B.I.A.) on this section of Main Street West, and;

(d) That the Planning and Development Department BE DIRECTED to study:

(i) "Opportunities for improvement of the visual environment of Hwy. 403 from the City limits to the Main Street West exit"; and

(ii) "Opportunities for improvement of Main Street West from Queen Street to Victoria Street".

NOTE: The "City Entrance - Main Street West" Report presents an Urban Design Analysis and a plan of action. The whole corridor, i.e., from the Main Street West exit on Hwy. 403 to Queen Street, is divided into nine areas. A list of priorities would determine the sequence of private and public actions and initiatives, as described in the implementation strategy at the end of the report.

Copies of the Report are available from the Committee Secretary upon request.

Commercial Improvement Programme - Main Street West B.I.A. (Potential)

The Committee was in receipt of a report from the Director of Community Development dated 1989 November 1 respecting Commercial Improvement Programme - Main Street West Business Improvement Area (Potential).

The Committee APPROVED the following:

(a) That streetscaping improvements to Main Street West, from Locke to Queen Streets, as prepared and presented by Basciano-O'Connor Landscape Architects Ltd., BE APPROVED at a total estimated gross cost of five hundred and eight thousand dollars ($508,000.). (approximately 25% of these costs will be offset by the Regional Engineering Road and Sidewalk Reconstruction Budget and the Hamilton Hydro Electric Systems' Budget); and,

(b) That Commercial Improvement Programme funds BE UTILIZED for the City's portion of this project at an estimate of three hundred and seventy-five thousand dollars ($375,000.) including contingencies.

NOTE: Regional Engineering and Hamilton Hydro Electric Systems' costs are estimated at one hundred and ten thousand dollars ($110,000.) and thirty-six thousand dollars ($36,000.) respectively, for above-grade improvements.

(c) That the Community Development Department, with the input of the B.I.A. and other neighbourhood and business groups, the Urban Design Committee, the Planning Department and other appropriate departments, DEVELOP a list of priorities, a schedule of implementation of the remaining phases of Main Street West from Highway 403 to Queen Street, and method of financing.

NOTE: Of the 2.5 million dollars originally approved under the Commercial Improvement Programme, approximately nine hundred and six thousand dollars ($906,000.) has been expended or committed. Therefore, there are sufficient funds available for the Main Street West Project.

Building Construction Report

As an added item, Alderman Merling spoke on the Building Construction Report contained as an information item in the agenda package and commended the Department for this excellent report.

IN CAMERA

The Committee then adjourned their regular session and moved into an In-Camera Session of members of the Committee and all members of the staff, including the Committee Secretary, were asked to leave the room.

Zoning Applications

The Committee reconvened in the City Council Chambers to hear Zoning Applications.

ZA89-39 - 404 Cochrane Road South

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 17 respecting Zoning Application 89-39 for property at 404 Cochrane Road South.

The Committee was also in receipt of a letter of submission from John Currie, 395 Cochrane Road.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-89, Mrs. Frances Marchetti, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit a hairdressing business as a home occupation use, for property located at 404 Cochrane Road South, as shown on the attached plan marked as Appendix "A", on the following basis:

(a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) That notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:

1. It is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,

2. There is not more than one comb-out centre and one styling sink.

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1148, and that the subject lands on Zoning District Map E-76 be notated S-1148;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-76 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at 404 Cochrane Road South.

The effect of the By-law is to permit a hairdressing business as a home occupation use, for one hairdresser who resides on the premises as their principal place of residence.

ZA89-65 - 843 Mohawk Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 17 respecting Zoning Application 89-65 for property at 843 Mohawk Road East.

The Committee was in receipt of a letter of submission from Conrad D. Gris, 90 Winchester Boulevard.

Report of the circularization was given as follows: 97 notices sent, 7 in favour, 89 opposed.

Mrs. Gallagher, 844 Mohawk Road East spoke to the Committee and indicated that she has obtained a petition of 371 names who are opposed to this Zoning Application. Mrs. Gallagher then spoke to the petition and submitted same to the Committee Secretary.

Mr. Walter Craig, 89 Winchester Boulevard also spoke in opposition to this application and indicated that the property is run down now.

Mr. Craig also advised that he wishes to receive a copy of the minutes of this meeting and that Mrs. Gallagher also wishes to receive a copy of the minutes of this meeting.

Mr. Silver, representative for the applicant spoke on the reasons for the application to be approved. He asked for an opportunity to speak to the objectors and asked for a tabling of his application.

The following discussion on this matter by the Committee, the following denial recommendation was APPROVED.

That Zoning Application 89-65, Diton Construction, prospective owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the construction of a 3 storey residential care facility (retirement home) for the accommodation of 48 residents, for the property located at 843 Mohawk Road East, as shown on the attached map marked as Appendix "B", BE DENIED for the following reasons:

(a) The proposed development is out of character in terms of height, bulk and density with the established development pattern of single-family dwellings.

(b) It represents an intrusion of an institutional type use into a stable single-family residential area: Under the "C" District regulations, the capacity of a residential care facility is restricted to 6 residents. The proposed facility would have 48 residents which is 8 times the permitted maximum;

(c) It conflicts with the intent of the Official Plan; and,

(d) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.

ZA89-75 - 1355 Upper Wellington Street

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 23 respecting Zoning Application 89-75 for property at 1355 Upper Wellington Street.

Mr. P. Mallard of the Planning Department advised that there is an amendment which should be made to this resolution which should read "That the amending By-Law not be passed by Council until the applicant has dedicated sufficient lands to the Region for the widening of Upper Wellington Street, to the satisfaction of the Commissioner of Regional Engineering".

The Committee then APPROVED the following:

(A) That APPROVAL be given to Zoning Application 89-75, Bethel Gospel Tabernacle Church, prospective owner, requesting a modification to the established "AA" (Agricultural) District regulations to permit a day nursery for a maximum of 125 children within the existing church building, for property located at 1355 Upper Wellington Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 7A(1) of Zoning By-law No. 6593, a day nursery for a maximum of 125 children shall be permitted only within the existing church building;

(ii) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of 21 parking spaces shall be provided for the day nursery;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1149, and that the subject lands on Zoning District Map E-18C be notated S-1149;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(B) That the amending By-law NOT BE PASSED by Council, until the applicant has dedicated sufficient lands to the Region for the widening of Upper Wellington Street, to the satisfaction of the Commissioner of Regional Engineering.

NOTE: The purpose of the proposed By-law is to provide for a modification in zoning to the established "AA" (Agricultural) District regulations for property located at 1355 Upper Wellington Street.

The effect of the proposed By-law is to permit a day nursery for a maximum of 125 children within the existing church building. The By-law also provides for 21 parking spaces for the use of the day nursery.

ZA89-60 - 186 Hunter Str East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 19 respecting Zoning Application 89-60 for property at 186 Hunter Street East.

The Committee APPROVED the following:

That APPROVAL be given to an amended Zoning Application 89-60, Carter Welding Supplies Ltd., owner, for a further modification to the established "J" (Light and Limited Heavy Industry, etc.) District regulations for property located at 186 Hunter Street East, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That the "J" (Light and Limited Heavy Industry, etc.) District regulations as contained in Section 16 of Zoning By-law No. 6593 as amended by By-law 75-136, applicable to the subject lands, be further modified to include the following variances as special provisions:

(i) That notwithstanding Section 16.(1) of By-law No. 6593 the following additional uses shall be permitted within the existing building:

(1.) A business and professional persons office;
(2.) A retail variety store;
(3.) A wholesale establishment;
(4.) A warehouse;
(5.) A food catering or food distribution business;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-409b, and that the subject lands on Zoning District Map E-5 be notated S-409b;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to further modify the established "J" (Light and Limited Heavy Industry, etc.) District regulations applicable to property located at 186 Hunter Street East.

The effect of the By-law is to permit the following additional uses within the existing building:

(a) A business and professional persons office;
(b) A retail variety store;
(c) A wholesale establishment;
(d) A warehouse;
(e) A food catering or food distribution business.

ZA89-58 - 585 Mohawk Road West

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 16 respecting Zoning Application 89-58 for property at 585 Mohawk Road West.

The Committee was also in receipt of letter of submission from Silvia Carrod in opposition to this application.

The Committee was in receipt of a letter of submission from the Development Manager, Frum Development Group, owners of the Westcliffe Mall at 640 Mohawk Road West, in opposition to this application.

The Committee was also in receipt of a letter of submission from Mr. Eric Grove, Eric Grove Consultant, Land Use Planning and Design in opposition to this application.

Report of the circularization was given as follows, 121 notices sent, 21 in favour, 12 opposed.

Mr. Ed Fothergill, Planning Consultant, spoke on the application and Mr. Graham O'Donnell, owner of the Golden Chest Inc., applicant for this matter was in attendance of the meeting. Mr. Fothergill spoke on the reasons that this application should be approved and indicated that the business is by appointment only, not a walk-in-trade. He also added that a minimal effect would be felt on the neighbourhood by approval of this application.

The Committee discussed this matter and approved the following denial recommendation:

> That Zoning Application 89-58, Graham O'Donnell - Golden Chest Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit conversion of the existing dwelling to permit the sale, display and manufacture of jewellery and an accessory office use, for property located at 585 Mohawk Road West, as shown on the attached map marked as Appendix "E", BE DENIED for the following reasons:
>
> (a) The proposal does not comply with the intent of the "Residential" designation of the Official Plan.
>
> (b) The proposal does not comply with the intent of approved Gilbert Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
>
> (c) The proposal represents an undesirable intrusion of a commercial use into an established residential area.
>
> (d) Approval of the application may encourage other similar applications which, if approved, would undermine the established residential character of the area, and the intent of the Official Plan and the approved Gilbert Neighbourhood Plan.
>
> (e) It would undermine the viability of established and designated commercial lands in this area.

ZA89-79 - North-West corner of Limeridge Road East and Upper Gage Avenue

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 24 respecting Zoning Application 89-79 for property at the north-west corner of Limeridge Road East and Upper Gage Avenue. The recommendation of the Commissioner of Planning and Development was for denial of this application.

The Committee was in receipt of a letter of submission from the Solicitors for Norbert Schuller and Apans Health Services.

Report of the circularization was given as follows, 241 notices sent, 6 in favour, 14 opposed.

A representative of the Graceville Nursing Home spoke in opposition to this application and feels that a Funeral Home and a Nursing Home adjacent to it are completely incompatible uses. He also asked for a copy of the Planning and Development Committee's decision to be sent to him.

Mr. J. Finochio, representative for the applicant and Mr. Powell, the applicant spoke on the reason why this application should be approved.

Considerable discussion ensued on this matter by the Committee and the Committee APPROVED the following approval recommendation on this matter:

(A) That APPROVAL be given to Official Plan Amendment No. 82 to redesignate property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "F", from "Residential" to "Commercial", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(B) That APPROVAL be given to amended Zoning Application 89-79, Edward Powell, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified to permit a funeral home and one accessory dwelling unit, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the subject land be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(i) That notwithstanding Section 14A(1) of Zoning By-law No. 6593 only a funeral home and one accessory dwelling unit shall be permitted.

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1150, and that the subject lands on Zoning District Maps E-38A and E-38B be notated S-1150;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B for presentation to City Council;

(e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 82 by the Regional Municipality of Hamilton-Wentworth; and,

(f) That the Lawfield Neighbourhood Plan be amended by redesignating the subject lands from "Low Density Apartments" to "Commercial".

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue.

The effect of the By-law is to permit development of the subject lands for a funeral home and one accessory dwelling unit.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 19 respecting the proposed plans for Chapple East and West Neighbourhoods.

Proposed Plans fo
Chapple East and
West Neighbourhoo

The Committee APPROVED the following:

That the proposed Chapple East Neighbourhood Plan attached herewith and marked Appendix "G", and the Chapple West Neighbourhood Plan attached herewith and marked Appendix "H", BE ADOPTED by Council.

SA88-23 - South of Rymal Road East and North of Ontario Hydro Right-Of-Way.
ZA88-107 - 408 Rymal Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 26 respecting proposed draft plan of subdivision application SA 88-23 for property south of Rymal Road East and North of the Ontario Hydro Right-Of-Way as well as Zoning Application 88-107 for property located at 408 Rymal Road East.

Evelyn Stewart, 478 Rymal Road East spoke to the Committee and asked how close to the Highway a commercial development would be allowed to locate. She also asked what she can anticipate being beside her home. Staff responded to Mrs. Stewart's comments.

The Committee then approved the following:

(A) That APPROVAL be given to Subdivision Application 88-23, Rymal Gardens Inc., owner, to establish a draft plan of subdivision south of Rymal Road East and north of the Ontario Hydro Power Commission right-of-way, subject to the following conditions:

(a) That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc., dated 1989 August 4, revised by changing the commercial blocks to multiple housing development.

(b) That the streets and the widening, Blocks "103" and "104" be dedicated as public highways and Block "113" be dedicated as a public walkway on the final plan.

(c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(d) That the final plan conform with the Zoning By-law approved under The Planning Act.

(e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(f) That the owner convey 5% of the land included in this plan of subdivision and a cash-in-lieu of land payment to the City of Hamilton for park purposes, said conveyance to comprise of Block "98".

(g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

(h) That Blocks "105" to "112", the 0.3m reserves be conveyed to the City of Hamilton.

(i) That the extension of Upper Wentworth Street south of Rymal Road align centreline to centreline with the existing Upper Wentworth Street north of Rymal Road and that Street "B" must align centreline to centreline at both sides of Upper Wentworth Street.

(j) That the owner provide a 3.048m widening on the south side of Rymal Road in order to establish Rymal Road to a width of 18.29m from the original centreline.

(k) That 12m x 12m daylight triangles be established at the intersection of Rymal Road and Upper Wentworth Street and at the intersection of Street "B" and Upper Wentworth Street.

(l) That 2m x 2m daylight triangles are provided on Lot 66 (L-shaped roadways).

(m) That 9m radii are provided at the transitions in and out of all cul-de-sac bulbs.

(n) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

(o) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(B) That a Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-23), Rymal Gardens Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

(C) That Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District (Block "1"), "RT-20" (Townhouse-Maisonette) District (Block "2"), "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), and "G-1" (Designed Shopping Centre) District (Block "4"), for the property located at 408 Rymal Road East, as shown on the attached map marked as Appendix "I", BE DENIED, for the following reasons:

(a) A portion of Block "2" is designated "Park and Recreational" in the proposed Chappel East Neighbourhood Plan and, therefore, it is appropriate for these lands to retain the "AA" zoning. In addition, the allowable density under the "RT-20" district regulations exceeds the density permitted by the Neighbourhood Plan;

(b) The proposed Chappel East Neighbourhood Plan designates Block "3" for "Attached Housing". In this regard, the proposed "E" District is inappropriate and does not reflect the future intended land use; and,

(c) Block "4" conflicts with the Official Plan which designates the Block Residential and Major Institutional. Furthermore, the proposed Chappel East and West Neighbourhood Plans designate it for "Low Density Apartments" and "Single and Double Residential". In addition, there is an adequate supply of commercially zoned land in the immediate area, including a 12 acre parcel and a 2 acre parcel on the north side of Rymal Road at Upper Wentworth Street.

(D) That APPROVAL be given to an amended Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District (Block "1"), "RT-10" (Townhouse) District (Block "2", and "DE" (Low Density Multiple Dwellings) District (Block "3"), to permit the development of Block "1" for single-family dwellings, Block "2" for townhouses, and Block "3" for low density apartments, for the property located at 408 Rymal Road East, as shown on the attached map marked as Appendix "J", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District;

(b) That Block "2" be rezoned from "AA" (Agricultural) District modified, to "RT-10" (Townhouse) District;

(c) That Block "3" be rezoned from "AA" (Agricultural) District modified, to "DE" (Low Density Multiple Dwellings) District;

(d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18E and E-27E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this by-law is to provide for changes in zoning for the property located at 408 Rymal Road East, on the following basis:

Changes in zoning from "AA" (Agricultural) District modified, to:

(a) Block "1" - "C" (Urban Protected Residential, etc.) District;

(b) Block "2" - "RT-10" (Townhouse) District; and,

(c) Block "3" - "DE" (Low Density Multiple Dwellings) District.

The effect of the by-law is to permit the development of the subject lands for Single-Family Dwellings (Block "1"), Townhouses (Block "2") and Low Density Apartments (Block "3").

Neighbourhood Plan Review - North-West corner of Upper Gage Avenue & Rymal Road East-Eleanor Neighbourhood

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 October 3 respecting Neighbourhood Plan Review - Northwest Corner of Upper Gage Avenue and Rymal Road East - Eleanor Neighbourhood.

Mr. David Godley of the Planning Department outlined the proposed designation.

The owner of property at 1598 Upper Gage Avenue spoke to the proposal and objects to apartment buildings in the area as unnecessary. She also questioned the density of the proposed townhouse area.

Mr. Clark, 1626 Upper Gage Avenue spoke to the Committee and indicated that he rents the house from Mr. Harnden, which is part of the area being proposed for new designation. He questioned the proposals for the area since he wonders how long he will be in the house before the owner will demolish it. He also added that he is concerned at the impact a plaza would have on the area, and its resulting social effects.

Mrs. Millar, 1574 Upper Gage Avenue spoke to the Committee and indicated that no one in the area wants apartments or townhouses and questioned why their use is being incorporated in the proposed designation. She suggested numerous other uses for the area.

Mr. Harnden, property owner of a large piece of property in the Eleanor Neighbourhood indicated that he is concerned at the plans which limit the development possibilities on his land and expressed frustration on this matter.

Mr. David Elley, a representative for the owners of the strip of Rymal and Upper Gage lands, spoke to the Committee and asked that the whole strip be a commercial use only. He feels that the proposal landlocks the back of his clients property.

The Committee was in receipt of a submission from Mr. John A. Parente, Agro, Zaffiro, Parente, Orzel and Baker, Solicitors attaching a petition with respect to rezoning to allow for commercial development of the properties known as 826, 837, 845 and 867 Rymal Road East and 1630 Upper Gage Avenue.

Considerable discussion ensued on this matter by the Committee and the Committee approved the following:

That the land use designations for the north-west corner of Upper Gage Avenue and Rymal Road East in the Eleanor Neighbourhood, as shown on the map attached herewith and marked Appendix "K", BE ADOPTED by Council.

There being no further business, the meeting then adjourned. Adjournment

Taken as read and approved

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder, Secretary
1989 November 1

CA4ONHBLA05
C51P4

2nd floor

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 December 8

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 December 13
1:30 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Secretary

ZONING APPLICATIONS WILL BE HEARD
IN THE COUNCIL CHAMBERS

A G E N D A

DELEGATION

(A) Report - Building Commissioner - By-law 80-245 As Amended by By-law 88-09 Respecting Land Drainage

BUILDING COMMISSIONER

1. Demolition Permit Applications

DIRECTOR OF COMMUNITY DEVELOPMENT

2. Commercial Facade Loan Programme Application -
   (a) 355 Barton Street East
   (b) 403-405 Barton Street East
   (c) 361 Barton Street East

3. Change Order No. 1 to Delmar Contracting Ltd. - Downtown Action Plan Phase V, James Street North, Streetscape Improvements.

1

DIRECTOR OF PROPERTY

4. Purchase by the City - 401 Sherman Avenue North

5. Payment of grading cost relating to the sale of south half, Part 1, 62R-8770, Upper Ottawa Street

COMMISSIONER OF ENGINEERING

6. Cash Payment in lieu of 5% Parkland Dedication

ALDERMAN D. CHRISTOPHERSON

7. Appointment - Central Area Plan Implementation Committee

DIRECTOR OF LOCAL PLANNING

8. Subdivision Application 89-14, "Beaverton Drive", Salci Development Corporation, owner, for property at the south side of Beaverton Drive and west of Upper Sherman Avenue; Butler Neighbourhood.

9. Site Plan Control Application DA89-72 for a public storage warehouse at 66 Ewen Road.

ZONING APPLICATIONS
3:00 O'CLOCK P.M.
COUNCIL CHAMBERS

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

10. Designation - 219-227 Ferguson Avenue South.

3:00 O'CLOCK P.M.

11. City Initiative 89-C for a modification to the established "C" District regulations for properties at 71, 75, 79, 83, 87, 91, 95, 99 and 103 Britten Close; Robston Neighbourhood.

    (a) Letter of Submission - 25-101 Bonaventure Drive

12. Zoning Application 89-92, S. Erickson, prospective owner, for a change in zoning from "AA" to "C" for property at 302 Stone Church Road West; Gourley Neighbourhood.

3:15 O'CLOCK P.M.

13. Zoning Application 89-88, 712191 Ontario Ltd., (G. Valko) owner, for a modification to the "M-12" District regulations for property at 1050 Rymal Road East; Hannon West Neighbourhood.

3:30 O'CLOCK P.M.

14. Zoning Application 89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" to "HH" for property at 820 Rymal Road East; Broughton West Neighbourhood.

    (a) Letter of Submission - DiCenzo Construction Co. Ltd.

15. Zoning Application 89-33, Landown Shopping Centres (National) Limited, prospective owner, for a modification to the established "KK" District regulations for lands located south of the Canadian National Railway and east of Centennial Parkway North (Hwy. No. 20); Lakely Neighbourhood.

16. Other Business.

17. Adjournment.

3:15 O'CLOCK P.M.

13. Zoning Application 89-88, 712191 Ontario Ltd., (G. Valko) owner, for a modification to the "M-12" District regulations for property at 1050 Rymal Road East; Hannon West Neighbourhood.

3:30 O'CLOCK P.M.

14. Zoning Application 89-94, J. and E. Spenuk, owners, for a change in zoning from "AA" to "HH" for property at 820 Rymal Road East; Broughton West Neighbourhood.

    (a) Letter of Submission - DiCenzo Construction Co. Ltd.

15. Zoning Application 89-33, Landown Shopping Centres (National) Limited, prospective owner, for a modification to the established "KK" District regulations for lands located south of the Canadian National Railway and east of Centennial Parkway North (Hwy. No. 20); Lakely Neighbourhood.

16. Other Business.

17. Adjournment.

FOR ACTION

A.

REPORT TO: Mrs. S.K. Reeder,
Secretary,
Planning & Development Committee

FROM: L.C. King, P.Eng.
Building Commissioner

DATE: November 23, 1989
COMM. FILE:
DEPT. FILE: Zoning By-law 80-245(88-09)

SUBJECT:

By-law 80-245 as amended by By-law 88-09 respecting land drainage.

RECOMMENDATION:

That By-law 80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly onto the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:-

> That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Engineering.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In 1988 By-law 80-245 was amended by By-law 88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law as it stands has been successful in alleviating the majority of problems caused by downspouts.

Since the passing of the by-law, this Department has encountered several problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of catchbasins and retention.

...2

There have been some projects constructed recently which have not been connected to storm sewers and are nearing completion without the required connections. Below are listed those projects which have been found by this Department not complying with the by-law:

Project	Owner/Contractor	Action by Building Department	Action by Owner/Contractor
250 Limeridge Road East - 53 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valery Construction)	Order to Comply - June 30, 1989	Seeking Variance
300 Limeridge Road East - 55 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valey Construction)	Order to Comply - June 30, 1989	Seeking Variance
1380 Upper Ottawa Street - 50 townhouse units	Luval Enterprises (T. Valery Construction)	Order to Comply - July 27, 1989	Seeking Variance
79 Trieste S.F.D.	P. Ortenzi	Order to Comply - September 22, 1989	Remedial work done
220 Stone Church Road West - S.F.D.	Canway Construction (Covington Homes)	Order to Comply - July 21, 1989	Seeking Variance
381 Brigade S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
337 Brigade Drive S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
110 Bonaparte Way S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
38 Brigade Drive S.F.D.	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
42 Brigade Drive	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
476 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
480 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
487 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action

...3

With respect to enforcement of the by-law, the amendment requiring connection of rainwater leaders became effective on January 12, 1989. All building permit applications submitted after that date have required direct connection to the sewers. The exemptions of this are those plans of subdivision which were approved prior to January 15, 1988. On February 7, 1988, City Council exempted subdivisions which were approved prior to passing of the by-law.

This Department has not experienced any problems in obtaining compliance with the by-law until this year. For the first year during which the by-law came into effect, all drawings approved for building permits were notated with the by-law requirements. This was done to educate the construction industry about the by-law. The Hamilton Construction Association and the Hamilton and District Home Builders Association were also informed about the by-law and the requirements.

The proposal to amend the by-law has been discussed with the Hamilton Building Liaison Committee and has support from the Hamilton and District Home Builders Association, the Hamilton Construction Association, the Association of Professional Engineers of Ontario, and the Ontario Association of Architects.

Those building sites, which are designed by Architects or registered Professional Engineers of Ontario have special requirements respecting inspection and site review by the design professional. Under sentence 2.3.2.1.(1) of the Ontario Building Code, general review is required as follows:

> Except as permitted in Sentence (2), a person who intends to *construct* or have *constructed* a *building* required to be designed by an *architect, professional engineer* or both, shall ensure that an *architect, professional engineer* or both are retained to undertake the general review of the *construction* of the *building* in accordance with the performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable, to determine whether the *construction* is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an *architect, professional engineer* or both and that form the basis for the issuance of a *building* permit or any changes thereto authorized by the *chief official*; written reports arising out of the general review shall be forwarded to the *chief official* by such person.

As noted on the previous list, the owner of townhouses at 250 Limeridge Road East, 300 Limeridge Road East, and 1380 Upper Ottawa Street is seeking a change to the by-law. Please find attached a letter from Haverty & Rankin Limited, Architects, respecting these developments where by an oversight, the builder did not connect the rainwater leaders directly to the storm sewers.

It has been suggested that on projects such as this, if a Professional Engineer is employed and designs the total site to accommodate all storm water run-off, then direct connection to the storm sewer is not necessary. This proposal will allow some flexibility in the design of multiple-residential, commercial, and industrial developments and would also benefit the municipality by delaying peak run-off during storms and allowing site absorption of some of the storm run-off.

This proposed amendment is similar to the by-law requirements, dealing with catchbasins on parking lots and would eliminate the discrepancies in the by-law between buildings and parking lots.

HAVERTY
&
RANKIN
LIMITED

Architects

276 Main St. West
Hamilton, Ontario
L8P 1J8
416 525-2222
Fax 416 525-5066

CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
SEP 1 1989
REC. BY ... DATE
REF'D ... DATE
REF'D TO ... DATE
REF'D TO ... DATE

August 30, 1989

Mr. Len King
Building Commissioner
City of Hamilton
71 Main St. West
Hamilton, Ontario
L8N 3T4

Re: STORM WATER DRAINAGE - APPLEGROVE, STANLEY WOODS AND STANLEY PLACE

Dear Mr. King:

The storm drainage from all the sites have been designed by professional engineers on the basis of the downpipes from the townhouse roofs discharging onto the sodded ground. The design was submitted to the City of Hamilton and the Ministry of the Environment for approval. Various revisions of the design requested during the approval process were complied with and the designs were approved.

During the construction of the projects, a building inspector pointed out to the builder that the bylaws of the City of Hamilton had been changed and now required that roof drains be connected directly to the storm water drainage piping system. At that time, most of the townhouses were already constructed and the builder could comply with this new requirement in only the last three blocks of townhouses of the Stanley Woods/Place project, which he did.

The design and construction of the storm drainage system and the grading of the site is such that it will have no detrimental affect on the adjacent properties. The roof drainage is directed to the surface of each of these sites and then directed by way of site grading and swales to catch basins and then to the underground piping system and the grading of the site is such that it contains all rainwater within the boundaries of the property.

The points of discharge have been designed so that the downpipes from the roofs will not create hazardous conditions in winter on any of the walkways and driveways.

LORNE E. HAVERTY, B. Arch., M.R.A.I.C. J. BRUCE RANKIN, B. Arch., M.R.A.I.C.
Associates: Alice C. Perniac, C.I.M., P.Mgr. Emil Cristescu, Dip. Arch.

We therefore believe that the entire system as it has been constructed is functional from all points of view.

We would also like to add that it is our opinion that to discharge the roof drainage to the ground in this kind of a development where sufficient sodded area is available for the absorption of the rainwater is beneficial not only to the environment as it provides more natural moisture for the vegetation but also as the sodded areas serve to slow down the surface runoff of rainwater by up to 75%, this method is also beneficial in that it reduces the load in the municipal storm sewers in peak runoff periods.

We would like to suggest that the City of Hamilton consider revising the relevant bylaw to allow a competent professional engineer to design the storm water drainage system including the method of collecting the rainwater from the roofs in projects that require site plan approval.

Yours truly,

L. E. HAVERTY

c.c. Valery Const. FAX
Sigma Engineering FAX

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

8 December 1989

Haverty & Rankin Limited
Architects

Dear Sirs:

Further to my discussion with your office, this letter will confirm that the Planning and Development Committee at its meeting to be held on Wednesday, 1989 December 13 will be discussing land drainage. This matter will be heard by the Committee during the beginning of its meeting at 1:30 o'clock p.m. in Room 233 of City Hall.

Attached herewith for your review is the report and recommendation of the Building Commissioner respecting this matter.

Your attendance and input on this item has been requested by the Committee.

Yours truly

Susan K. Reedeer

S. Reedeer, Secretary
Planning and Development Committee

SR:mec

Attached

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

8 December 1989

Hamilton and District
Home Builders Association

Attention: Mr. Lou Mattiacci
President

Dear Sir:

Further to my discussion with your office, this letter will confirm that the Planning and Development Committee at its meeting to be held on Wednesday, 1989 December 13 will be discussing land drainage. This matter will be heard by the Committee during the beginning of its meeting at 1:30 o'clock p.m. in Room 233 of City Hall.

Attached herewith for your review is the report and recommendation of the Building Commissioner respecting this matter.

Your attendance and input on this item has been requested by the Committee.

Yours truly

Susan K. Reedeer

S. Reedeer, Secretary
Planning and Development Committee

SR:mec

Attached

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. L. King
Building Commissioner

YOUR FILE:

FROM: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

OUR FILE:

PHONE:

SUBJECT: BY-LAW 80-245 AS AMENDED BY BY-LAW 88-09 RESPECTING LAND DRAINAGE

DATE: 1989 December 6

As you are aware, the Planning and Development Committee at its meeting held Wednesday, 1989 November 29 were in receipt of your report dated 1989 November 23 respecting the above-noted matter.

Following discussion on this matter the Committee agreed to table this item until the next meeting of the Committee in order that the appropriate notification could be given to the Hamilton Home Builders Association and to Mr. Haverty, who initially raised this matter, and that this item be held in a public meeting format.

Accordingly, I will place this matter on the next agenda of the Planning and Development Committee to be held on Wednesday, 1989 December 13, and I will undertake to advise both the Hamilton and District Home Builders Association and Mr. Haverty of this item in order that they can be present.

Susan K. Reeder.

SKR/bc

FOR ACTION

1.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: December 6, 1989
COMM. FILE:
DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

a. 1830 Main Street East
b. 1626 Upper Gage
c. 148 Annabelle St.
d. 2644 King Street East

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

BUILDING DEPARTMENT

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE: December 6, 1989

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
A.	1830 Main St. E.	S.F.D.	S.F.D.	30' X 100'	G.R. Malatesta	"C"	It is recommended that Committee approve demolition.
B.	1626 Upper Gage	S.F.D.	S.F.D.	50' X 429'	Helen Anderson	"C/AA"	It is recommended that Committee approve demolition.
C.	148 Annabelle St.	S.F.D.	S.F.D.	70' X 263.75'	Sam Aquino	"C"	It is recommended that Committee approve demolition. **TABLED from Sept. 20/89 P & D. Pending Court Action.**
D.	2644 King St. E.	S.F.D.	Open Space	41.67' X 112.08'	City of Hamilton	"AA"	It is recommended that Committee approve demolition.

L.C. King, P. Eng.,
Building Commissioner

F O R A C T I O N

2a.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 November 28
DEPT FILE: FACADE 67

SUBJECT: Commercial Facade Loan Programme -
355 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan, in the amount of nine thousand, six hundred and seventy-four dollars ($9,674.) be approved under the Commercial Facade Loan Programme for 355 Barton Street East, Ms. C. Rodriguez. The interest rate will be 6 3/4 percent, amortized over 10 years.

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 355 Barton Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Jamesville Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to C. Rodriguez for improvements to 355 Barton Street East, in the amount of $9,674. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be $111.09. and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

F O R A C T I O N

2b.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 December 07
DEPT FILE: FACADE 73

SUBJECT: Commercial Facade Loan Programme -
403-405 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of thirty thousand dollars ($30,000.) be approved for 403-405 Barton Street East, Angela Agostino. The interest rate will be 6 3/4 percent, amortized over 10 years.

E. Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 403-405 Barton Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Angela Agostino for improvements to 403-405 Barton Street East, in the amount of $30,000. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be $344.51, and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

F O R A C T I O N

2c.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 December 07
DEPT FILE: FACADE 52

SUBJECT: Commercial Facade Loan Programme -
361 Barton Street East, Hamilton

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of nine thousand, four hundred and twenty-four dollars ($9,424.) be approved for 361 Barton Street East, Mr. Adao Dacunha. The interest rate will be 6 3/4 percent, amortized over 10 years.

NOTE: A loan in the amount of eight thousand, seven hundred and seventy-four dollars ($8,774.) was previously approved May 1989. This new loan amount represents an increase based on extra work required.

E Kowalski

FINANCIAL IMPLICATIONS (IF NONE, N/A)

N/A

BACKGROUND

The owner of 361 Barton Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property, under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area has reviewed the plans and approved the work which is to be undertaken by the owners.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Mr. Adao Dacunha for improvements to 361 Barton Street East, in the amount of $9,424. The loan will be amortized over a 10 year period at 6 3/4 percent interest. The monthly payments will be $108.22 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 December 6
COMM FILE:
DEPT FILE: 800-0602.5

SUBJECT: Downtown Action Plan Phase V, James Street North
Streetscape Improvements;
Change Order No. 1 to Delmar Contracting Ltd.

RECOMMENDATION:

a) That, Change Order No. 1 in the amount of fifty-two thousand, nine hundred and seventy-six dollars and six cents ($52,976.06) be issued to Delmar Contracting Ltd. for Phase V of the Downtown Action Plan (James Street North), bringing the contract value to one million, five hundred and ten thousand, thirty-five dollars and six cents ($1,510,035.06) from one million, four hundred and fifty-seven thousand and fifty-nine dollars ($1,457,059.).

NOTE: Credits are being received from Regional Engineering, Commercial Improvement Programme and insurance recoveries which will reduce the City's share to thirteen thousand, four hundred dollars ($13,400.).

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Funds are available in Phase V of the Downtown Action Plan to cover this cost.

BACKGROUND:

City Council at its meeting held 1988 May 10 approved Item No. 1(a) of the 12th Report of the Planning and Development Committee for 1988 awarding Delmar Contracting Ltd. the tender for Phase V of the Downtown Action Plan. This work is now complete and the final costs are now known. As a result of the work extra costs totalling fifty-two thousand, nine hundred and seventy-six dollars and six cents ($52,976.06) were incurred.

...../2

cc: Alderman McCulloch, Chairman
Downtown Action Plan Co-ordinating Committee

Mr. D. Onishi, Director of Engineering Services
Engineering Department

Mr. J. Schatz, Secretary
Co-ordinating Committee

Mr. E. Matthews, Treasurer
Treasury Department

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 December 4
COMM FILE:
DEPT FILE: 100.11.99
(4505)

SUBJECT: **Purchase by the City - 401 Sherman Avenue North**

RECOMMENDATION:

That an Option to Purchase the property at 401 Sherman Avenue North duly executed by Peter Spitman on November 30, 1989 and scheduled to close on or before February 6, 1990, be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 7.702 metres (25.27 feet) by a depth of 34.73 metres (114 feet), containing an area of 251.2 square metres (2,704 square feet) more particularly shown as Part 5 on Plan 62R-10267 together with all structures erected thereon. The purchase price of $165,650.00 is in accordance with Schedule "A" attached and all costs and associated expenses to be charged to Account # CF 5590 308750001. Demolition is to take place upon closing.

D. W. Vyce

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

In accordance with City Council's instructions (Item 27, July 28, 1987) to acquire the properties in the Alpha Enclave (West) and the subsequent City Council recommendation to expropriate the aforementioned property at their meeting of November 8, 1988, by adopting Item 4 of the 22nd Report of the Planning & Development Committee, we have now reached a satisfactory settlement to acquire 401 Sherman Avenue North and we enclose herewith an Option to Purchase agreement for same in the amount of $165,650.00.

Attach.
c.c. - Mr. P.R.A. Hooker, Acting City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. R. Douglas, Supervisor, Surveys
- Mr. R. Swan, Manager, Property Maintenance Division
- Mr. L. King, Building Commissioner

FOR ACTION

5.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DATE: 1989 November 28
COMM FILE:
DEPT FILE: 20.1.296
(4504)

SUBJECT: **Payment of Grading Cost relating to sale of south half, Part 1, 62R-8770 Upper Ottawa Street**

RECOMMENDATION:

That authorization be given to pay the account of Stuart Fletcher Excavating Limited in the amount of $19,610.00 and charge same to account CH 5X307 00102.

D. W. Vyce

FINANCIAL IMPLICATIONS:

See above recommendation.

BACKGROUND:

In adopting Item 9 of the Seventeenth Report of the Planning and Development Committee, City Council on July 25, 1989 approved the sale of 1.255 acres of Industrial land on Upper Ottawa Street to Paul and Rita Giardini for the sum of $106,675.00.

The transaction was to have closed on September 21, 1989.

Approximately one week prior to closing, the solicitor representing Mr. & Mrs. Giardini advised that subsequent to his client inspecting the site in July, fill and rubble had been placed on the land. Mr. Giardini's builder advised that the cost of removal would be in excess of $10,000.00.

The Giardinis did not want to complete the purchase until the fill was removed.

Background continued ...

Due to the urgency of the matter with respect to the limited time available before the September 21, 1989 closing date, this department proceeded immediately on emergency basis to hire a contractor to remove the debris. The alternative would have been for the City to reduce the purchase price by $19,610.00 (the cost of cleanup) so that the sale and subsequent development could take place. In essence, the net result is the same.

Upon commencement of the work, it would appear that the fill and rubble had been placed on the site by "Night Haulers", which as you know has become an ever increasing problem in the Hamilton Area. The extent of the fill was more severe then originally expected and the final cost to resolve the problem was $19,610.00.

Upon completing the work, the Giardini's completed the transaction on October 11, 1989.

c.c. Mr. Lou Sage, Chief Administrative Officer

Mr. P.R.A. Hooker, Acting City Solicitor

Mr. E. C. Matthews, City Treasurer

Mr. G. S. Spencer, Regional Commissioner of Engineering
Attention: Mr. K. Brenner

6.

F O R A C T I O N

REPORT TO: MS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G.S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1989 December 5
COMM FILE:
DEPT FILE: S701-53
ID Jackie

SUBJECT

"Aquino Gardens - Phase 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of $26,400.00 as cash payment in lieu of 5% dedication in connection with "Aquino Gardens - Phase 1", Hamilton, this being the cash requirement under section 50 of the Planning Act.

for G.S. Spencer, P. Eng.
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the land for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated to be $26,400.00.

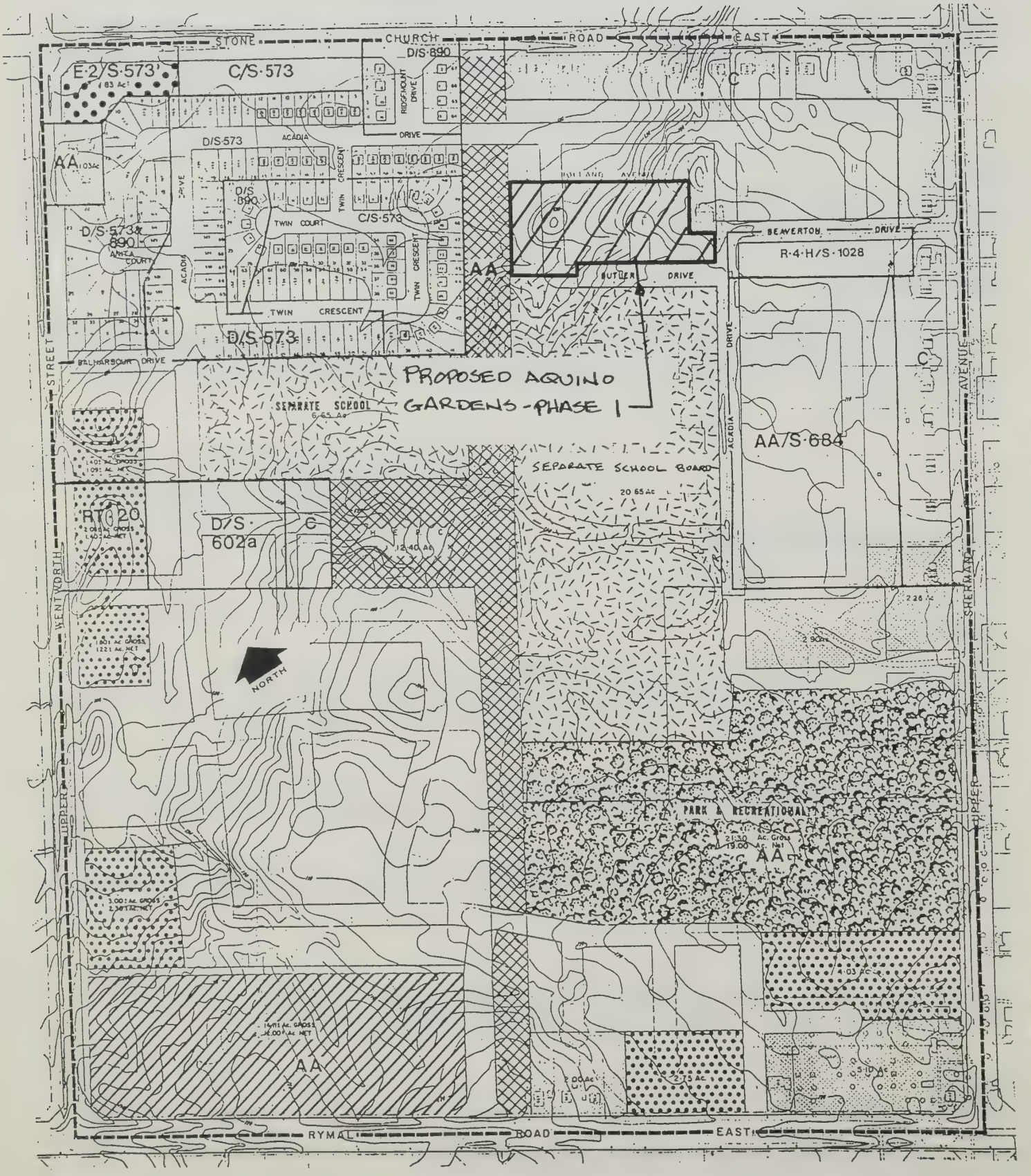
Note:

These lands are located east of Upper Wentworth Street and south of Stone Church Road in the Butler Neighbourhood, Hamilton.

CAU:ja
Attach.

cc: D.J. Consoli, City Treasury Department

KEY PLAN
N.T.S.


STONE CHURCH ROAD EAST
E-2/S-573
C/S-573
D/S-890
RIDGEMOUNT DRIVE
DRIVE
C
D/S-573
ACADIA
AA
D/S 890
TWIN COURT
TWIN CRESCENT
C/S-573
D/S-573 & 890
ANITA COURT
ACADIA DRIVE
HOLLAND AVE.
BEAVERTON DRIVE
R-4-H/S-1028
BUTLER DRIVE
AA
D/S-573
BALMORAL DRIVE
PROPOSED AQUINO GARDENS - PHASE I
SEPARATE SCHOOL
6.65 Ac
ACADIA DRIVE
AA/S-684
SEPARATE SCHOOL BOARD
20.65 Ac
RT 20
D/S 602a
C
12.40 Ac
WENTWORTH STREET
UPPER SHERMAN AVENUE
NORTH
PARK & RECREATIONAL
AA
AA
RYMAL ROAD EAST

7.

capic

CENTRAL AREA PLAN IMPLEMENTATION COM

CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

November 24, 1989

Dr. Charles Forsyth
Vice Chairman
C.A.P.I.C.
166 Delaware Avenue
Hamilton, Ont.
L8M 1V6

Dear Dr. Forsyth:

RE: STATUS OF C.A.P.I.C. CHAIR

For most of this year now you have been defacto Chairman of C.A.P.I.C. but I remained technically Chairman. I believe, it is now time to formalize the existing situation.

It is clear now that my schedule does not allow me any time for involvement with the work of C.A.P.I.C and I do not see this changing for the balance of my term.

With the above in mind it is necessary for me to advise you that effective January 1, 1990, I will no longer be the 'chair' nor a member of C.A.P.I.C. By copy of this letter, I will advise the city's Planning and Development Committee and ask that they appoint another Alderman.

I cannot say enough about the fulfilment I received from chairing C.A.P.I.C. from 1985 to 1988 and know that the group will continue the same type of dedicated service to our community as they have for over a decade now.

Thank you to each and every member for the opportunity to have played a small role in the exciting activities of such an important part of our downtown planning process.

Best wishes to each of you for the future.

Sincerely,

David Christopherson
Alderman, Ward 4

DC:nb

c.c. - [redacted]
- Members, Hamilton City Council.

8.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE: 1989 NOVEMBER 30
COMM FILE:
DEPT FILES: SA-89-14
25T-89025

SUBJECT

Proposed Draft Plan of Subdivision.

RECOMMENDATION

A. That approval be given to application SA-89-14, "Beaverton Drive", Salci Developments Inc. owner, to establish a draft plan of subdivision located at the south side of Beaverton Drive and west of Upper Sherman Avenue in the Butler Neighbourhood, subject to the following conditions:

1. That this approval apply to the plan prepared by MacKay, MacKay and Peters Limited, dated June 27, 1989.

2. That the final plan conform with the Zoning By-law approved under The Planning Act.

3. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

4. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

5. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

6. That the owner acquire the 0.3 m reserve on the north side of Beaverton Drive and on the east side of Acadia Drive from the City of Hamilton.

7. That the plan not receive final approval prior to the availability of storm and sanitary sewers.

8. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

8.

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

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5. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.

6. That the owner acquire the 0.3 m reserve on the north side of Beaverton Drive and on the east side of Acadia Drive from the City of Hamilton.

7. That the plan not receive final approval prior to the availability of storm and sanitary sewers.

8. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.

9. That the owner agree in writing to satisfy all the requirement, financial and otherwise, of the City of Hamilton.

B) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-14), Salci Developments Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS;

N/A

BACKGROUND:

OWNER:

Salci Development Inc., Stoney Creek, Ontario.

AGENT:

MacKay, MacKay and Peters Limited, Hamilton, Ontario.

SURVEYOR:

MacKay, MacKay and Peters Limited, Hamilton, Ontario.

LOCATION:

The lands, comprising 0.4731 ha, are located on the south side of Beaverton Drive and west of Upper Sherman Avenue in the Butler Neighbourhood, City of Hamilton.

PROPOSAL:

The owner proposes to subdivide the lands into 15 lots for single-family dwellings.

EXISTING DEVELOPMENT CONTROLS:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for single and semi-detached housing. The proposal complies.

Zoning - the lands are Zoned "R4" (small lot single family detached) District. The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs;
- Ministry of Transportation
- Ministry of the Environment
- Ministry of Natural Resources
- Ministry of Culture and Communications
- Hamilton Region Conservation Authority
- City of Hamilton Board of Education
- Hamilton-Wentworth Separate School Board
- Union Gas
- Bell Canada
- Ontario Hydro
- City of Hamilton Traffic Department and
- City of Hamilton Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

Recommendations

1. The owner must enter into Subdivision Agreements with both the City and Region prior to the development of any portion of these lands.

2. The owner must acquire the City owned 0.3 m reserve on the south side of Beaverton Drive and the east side of Acadia Drive.

For your Information

1. The proposed development will have to await the installation of storm and sanitary sewers from the north-west through private lands to the west limit of the subdivision.

2. The lands are serviceable for water from Beaverton Drive.

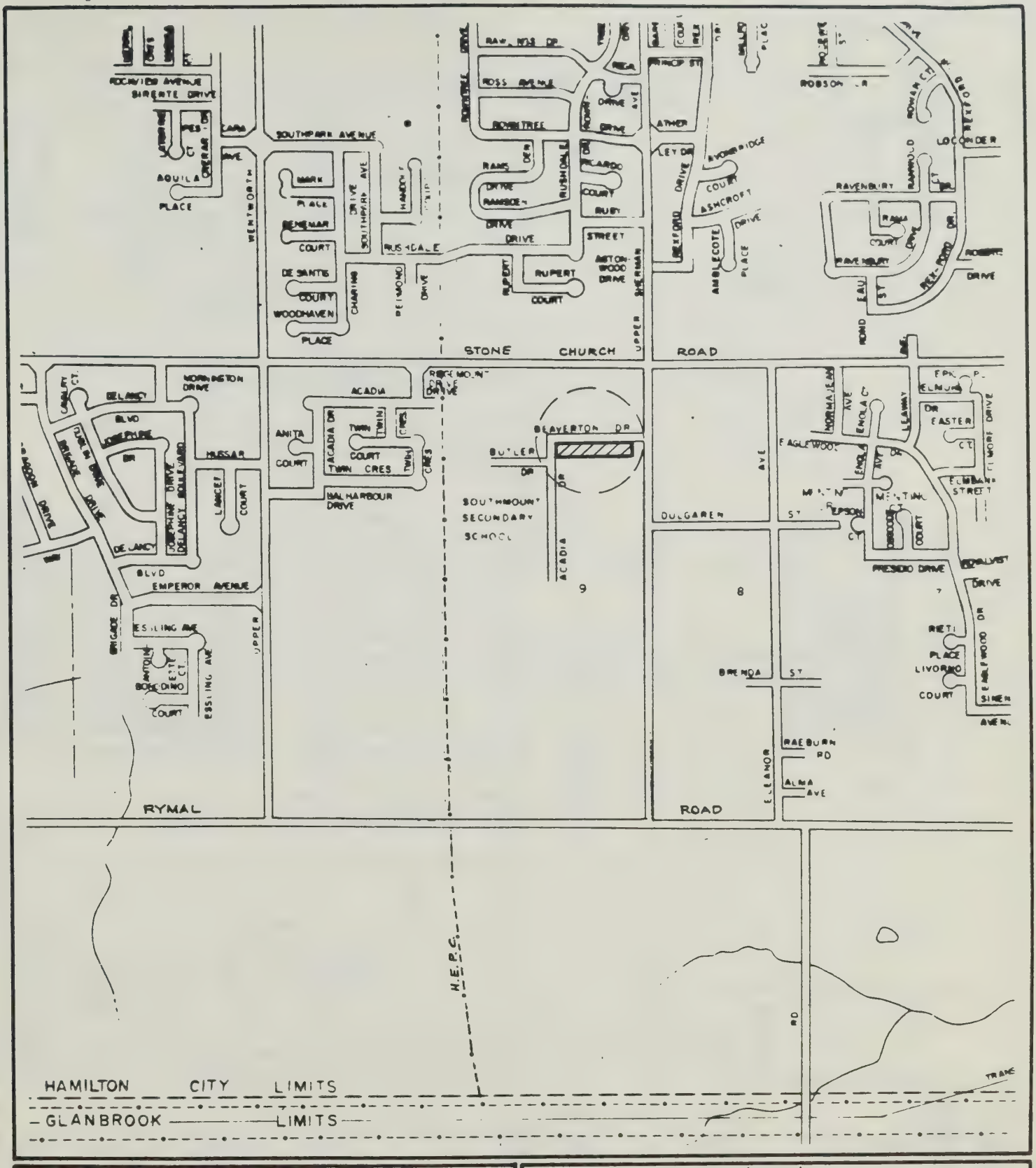
3. The submitted plan as prepared by J. David Peters, O.L.S. and dated June 27, 1989, is satisfactory to the Department of Engineering, subject to the above noted comments and recommendations.

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.

2. As no part of the subject lands are designated park or recreational use on the approved Neighbourhood Plan, it is recommended that the parkland requirement of this subdivision be taken as cash-in-lieu of land.

3. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.



Location Plan For

DRAFT PLAN OF SUBDIVISION OF

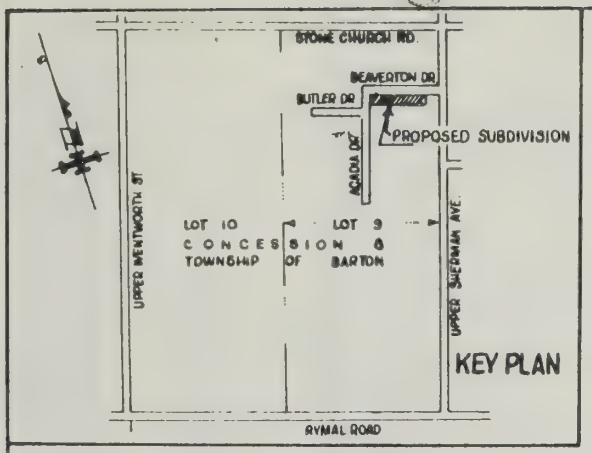
BEING
PART OF LOT 9 - CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

PROPOSED SUBDIVISION

North	Scale	Reference File No.
	N.T.S.	25T-89025
	Date	Drawing No.
	SEPT. 20, 1989	



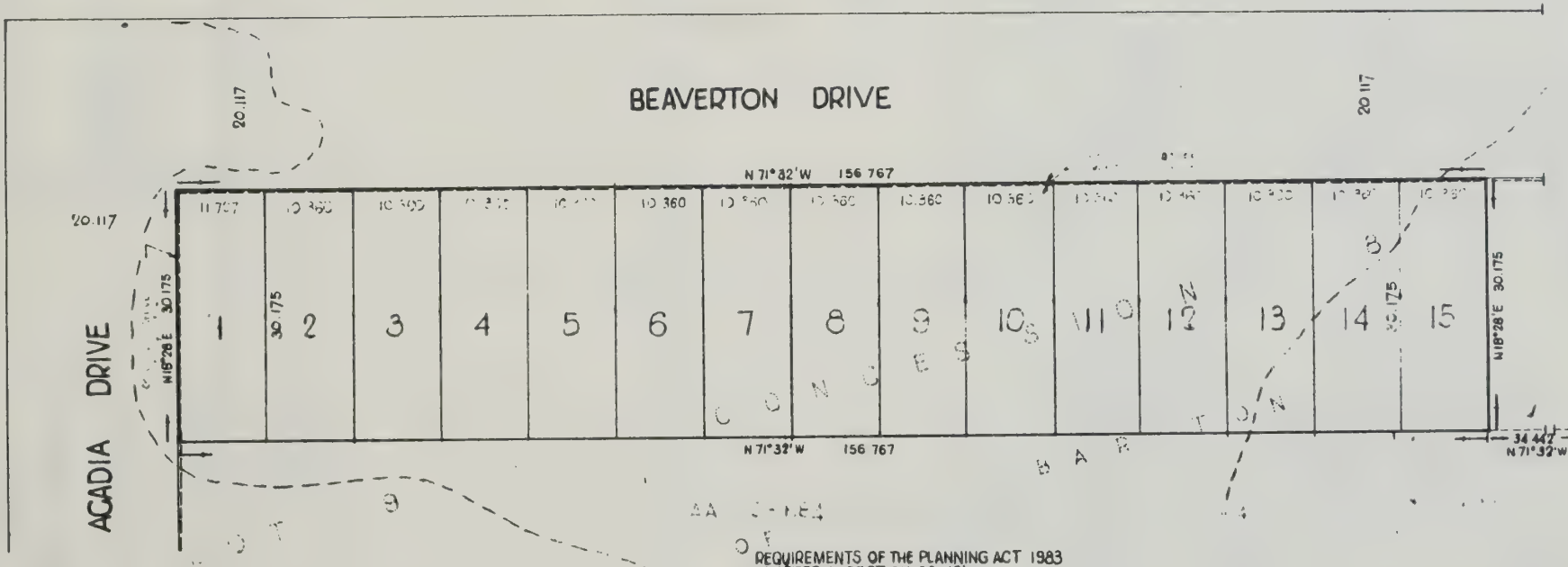
DRAFT PLAN OF SUBDIVISION OF

BEING
PART OF LOT 9 - CONCESSION 8
IN THE FORMER
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1 : 500

10 5 0 10 20





REQUIREMENTS OF THE PLANNING ACT 1983
CHAPTER 1, SECTION 50-(2)

A SEE PLAN
B SEE PLAN
C SEE PLAN
D SINGLE FAMILY - RESIDENTAL
E RESIDENTAL
F SEE PLAN
G SEE PLAN
H WATER AVAILABLE.
I CLAY LOAM
J SEE PLAN
K ALL SERVICES AVAILABLE.
L NONE

LAND USE LOTS 1 TO 15 - SINGLE FAMILY
PRESENT ZONING - R-4 H/S

TOTAL AREA = 0.4731 ha (1.1689 Acs)

METRIC

distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048

BEARINGS ARE ASSUMED ASTRONOMIC AND ARE REFERRED TO UPPER SHERMAN AVE ON A COURSE OF N 18° 28' E AS SHOWN ON PLAN 62R-2571

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACKAY MACKAY & PETERS TO SUBMIT THIS PROPOSED PLAN OF SUBDIVISION TO THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR APPROVAL

MILLEN CONSTRUCTION LIMITED
Per:
Progress

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

J. DAVID PETERS
ONTARIO LAND SURVEYOR

MacKAY, MacKAY & PETERS LIMITED

SUITE 608, UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON, ONTARIO L8N 2

9.

Memorandum

****

TO: Alderman M. Kiss
Alderman, Ward 1

YOUR FILE:

FROM: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: **SITE PLAN CONTROL APPLICATION DA-89-72 FOR A PUBLIC STORAGE WAREHOUSE AT 66 EWEN ROAD**

DATE: 1989 December 14

Further to our telephone conversation, this will confirm that the above-noted matter will be heard by the Planning and Development Committee at its meeting to be held Wednesday, 1989 December 13th.

This matter is scheduled as Item 9 on the Planning agenda. The meeting will commence at 1:30 p.m. in Room 233, City Hall and it may be advisable for anyone coming to address this particular matter to be at the meeting at 1:30 p.m.

As you are aware the applicants on this site plan requested that this item be withdrawn from the last Committee agenda.

I have since been advised by Mr. Lee of Evans, Husband that they wished this matter placed on the December 13th agenda.

Trusting this information is of assistance to you.

Susan K. Reeder

SKR:jf

c.c. Mr. Alex Georgieoff, Director of Local Planning
Attention: Mr. John Sakala

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. A. Georgieff
Director of Local Planning
Attention: Mr. J. Sakala

YOUR FILE:

FROM: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: SITE PLAN CONTROL APPLICATION DA-89-72 FOR A PUBLIC STORAGE WAREHOUSE AT 66 EWEN ROAD

DATE: 1989 December 6

This will confirm that the Planning and Development Committee at its meeting held Wednesday, 1989 November 29 agreed to withdraw the above-noted item from their agenda.

As you are aware the applicants requested this withdrawal of this matter from the agenda in order that more discussion and planning can ensue on this matter.

Would you please advise when this matter should be placed back on the agenda.

Susan K. Reeder.

SKR/bs

c.c. Alderman J. Smith, Chairman, Planning and Development Committee
Alderman M. Kiss

FOR ACTION

(REVISED REPORT)

REPORT TO: **SUSAN REEDER, SECRETARY**
PLANNING AND DEVELOPMENT COMMITTEE

DATE: November 28, 1989
COMM FILE:
DEPT FILE: DA-89-72
Ainsliewood
Neighbourhood
(DA-88-60)

FROM: **J. D. THOMS, COMMISSIONER,**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-89-72 for a public storage warehouse at 66 Ewen Road.

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-89-72 by 627791 Ontario Inc., c/o Aries Construction, owners of lands known as 66 Ewen Road for a public storage warehouse subject to the following:

(i) modification to the plans in relation to notes and dimension as marked in red on the plans.

(ii) approval by the Committee of Adjustment to permit the following variances:

1. a portion of the required front yard landscape area will be interrupted with the location of an access driveway.

2. a reduced lot width of 20.117 m minimum instead of the required 30.0 minimum.

(iii) submission of a landscape plan as red-lined or alternate submission of a revised landscape plan to the satisfaction of the Director of Local Planning, Planning and Development Department.

A. L. Georgieff, M.C.I.P.,
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND:

Plans have been submitted for a public storage warehouse at 66 Ewen Road. The two (2) storey building will have a gross floor area of 751.32 M^2 with seven (7) parking spaces and one (1) loading space provided on the lot. The exterior of the building will be constructed of architectural concrete block, prefinished metal siding and fascia. A landscape treatment has been proposed along Ewen Road and within the rear yard.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has reviewed the grading plan and has found it to be satisfactory. However, the grade of the access within the road allowance is not to exceed 30% and the wood privacy fence should be recessed 3.0m from the widened street line. Any objects or vegetation within the 5m x 5m daylight vision triangle are not to exceed a mature height of 0.8m above the perpendicular centre-line elevation of Ewen Road. The above-mentioned should be revised as red-lined on the plan.

The Building Department has reviewed the plan submitted and has forwarded the following comments:

(1) The proposed southerly side yard should be increased to at least 2.1m rather than 2.01m. The required side yard is 13/100th of an inch and no block layer could stay within this tolerance and the applicant would have to go back to the Committee of Adjustment.

(2) A lot width of 30.m is required, shown is 20.065m.

(3) The rear steps and landing cannot project into the required 7.5 landscape area.

(4) The 1 car and 1 loading space add up to 6.5m in width. The plan scales 6.2m at the corner of the building where they come together.

(5) No dumpster or detached storage container can be placed on the concrete pad on the north side as these are considered accessory structures and are permitted only in the rear yard. In this situation it cannot go into the landscape rear yard. A note to this affect should be placed on the plans.

The plan should be revised as red-lined and the applicant should file an application with the Committee of Adjustment for a reduced lot width.

The Traffic Department has reviewed the plan submitted and has found it to be satisfactory.

COMMENTS:

Various modifications are required to the plan in relation to notes and dimension and have been marked in red on the plan.

The landscape treatment would be enhanced by the introduction of a few deciduous trees, as shown in red on the plan. The landscape plan should be revised as redlined on the plan or alternately a revised landscape plan should be submitted to the satisfaction of the Director of Local Planning, Planning and Development Department.

With respect to the variance to permit a portion of the required front yard landscape area to be interrupted by an access driveway, it is the departments understanding that wording of By-law 83-244 Sec. 1(2)(6) inadvertently overlooks existing undevelopment properties within this zoning district (M-14) that have the potential to be developed. Since this is a separate parcel of land within the designated M-14 zoning district it is necessary to have a access which will interrupt the required front yard landscape are in order to have access "into" and "out-of" the property. Thus, for the above-mentioned reason the variance can be supported.

Furthermore, the present parcel of land was created in 1964 while the lands were zone "J" (Industrial) District and did not require a minimum lot width. Subsequently, the area was rezoned under a City Initiative from "J" (Industrial) to "M-14" (Prestige Industrial) District which requires a minimum lot width of 30.0 m. The variance to reduce the lot width from 30.0 m to 20.117 m can be supported since it is an existing situation. The applicant should proceed with the application to the Committee of Adjustment.

JL/ll/ma
DA8972



AINSLIE WOOD ZONING - I

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-89-72

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

SITE OF THE APPLICATION

North	Scale	Reference File No.
	1:5,000	DA-89-72
	Date	Drawing No.
	July, 1989	

FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 December 8

COMM FILE:
DEPT FILE:

SUBJECT: ***219-227 FERGUSON AVENUE SOUTH - DESIGNATION RECOMMENDATION***

RECOMMENDATION:

a) That approval be given to the "Intent to Designate" the five-unit rowhouse at 219 - 227 Ferguson Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.

b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C.J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

FINANCIAL IMPLICATIONS: *(IF NONE, STATE N/A)*

N/A

BACKGROUND:

LACAC gave preliminary approval to the designation of this residential terrace following the receipt of a letter of request for designation signed by all five property owners.

Reasons for Designation, photographs, map and planning information attached.

Attached

REASONS FOR DESIGNATION

219 - 227 Ferguson Avenue South

Context

Built in 1894, this five-unit residential terrace in the Corktown neighbourhood is situated on the east side of Ferguson Avenue South at the corner of Charlton Avenue East. It forms part of a continuous streetscape of late nineteenth and early twentieth century buildings, including several rowhouses, which extends north to the railway yards and west along the north side of Forest Avenue bordering the grounds of Queen Victoria Public School. Directly south of the terrace is the former high level pumping station erected in 1912 at the foot of the Escarpment.

Architectural Value

219-227 Ferguson Avenue South represents the finest surviving example of a High Victorian brick terrace in Corktown, notable not only for the quality of its overall design and detailing but also for the extent to which its original appearance has been preserved. Typical in design of late nineteenth century rowhousing in Hamilton, each unit features a side entrance, parapet partition walls, a square bay, and a steep-pitched roof with a tall gable over the bay. A particularly distinctive element is the gable bargeboard which forms a decorative arch over the semi-circular attic window. Also noteworthy are the bracketed cornice over the round arched bay windows, the stained glass transom lights over three of the four windows and the front doorway, the ornamental brick mouldings, and in the case of the two end units (#219 and #227), the original panelled wooden door with its tall, arched glazed upper panels. The decorative wooden porches over all five front entrances were recently removed.

History and Historical Associations

The original owner, John Lindner, retained possession of the terrace for less than a year, selling it in 1894 to William Edgar, who in turn sold it in 1895 to investor William Sparrow of Buffalo, New York. In the course of the early 20th century the rowhouse was subdivided among individual owners, several of whom were associated with well-known Hamilton businesses.

Designated Features

Important to the preservation of 219-227 Ferguson Avenue South are the original features of the west, south and north facades, including the ornamental wooden trim, the original front doorways (excluding the doors of #221, #223 and #225) and windows with their stained glass transoms.

219-227 Ferguson Avenue South

5-unit Victorian brick terrace; built 1894.





PLANNING INFORMATION

219-227 Ferguson Avenue South

DATE: November 1989

NEIGHBOURHOOD: Corktown

HERITAGE STATUS: Listed on the Inventory

ZONING: **"D" District** (Urban Protected Residential), which permits one and two family dwellings, converted dwellings, townhouse dwellings, lodging houses, homes for elderly persons, and certain institutional and public uses (see sec. 10 of Zoning By-law).

Maximum permitted building height: 3 storeys

No recent or current zoning application.

SITE PLAN CONTROL: Under site plan control.
No recent or current site plan application.

N.E.C. CONTROL Development permits from Niagara Escarpment Commission required.

OFFICIAL PLAN POLICIES:

Designated **"Residential"** in the Official Plan (Schedule "A" - Land Use Concept).
Primary uses permitted: various types of dwellings and compatible land uses deemed necessary to serve the needs of local residents (e.g. public parks, institutional and local commercial uses) on sites less than .4 ha (approx. 1 acre). Surrounding area designated as "Open Space" (escarpment area), "Major Institutional" (Queen Victoria Public School) and "Residential".

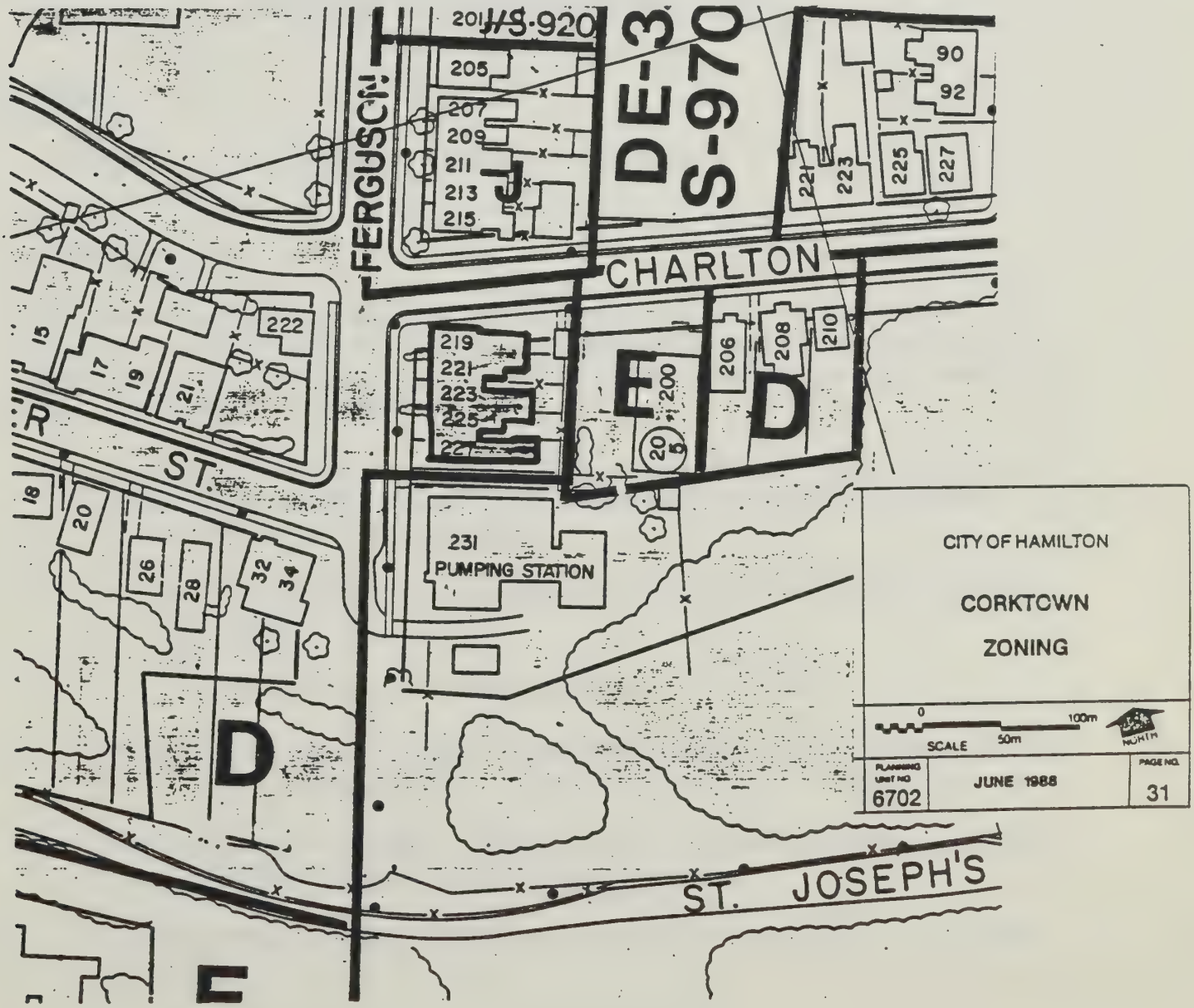
Located within Special Policy Area 1(b) as shown on Schedule "B" of the Official Plan- urban area within the NIAGARA ESCARPMENT Planning Area (Special Policy Area 1 of the Official Plan). It is the intent of the Official Plan that development in area 1(b) will have a minimal impact on the adjacent ESCARPMENT (Area 1(a) and will be at a density, scale and height which is compatible with the ESCARPMENT.

Located within Special Policy Area 3 as shown on Schhedule "B" of the Official Plan. It is the intent of this special policy area to promote and protect housing in close proximity to the downtown.

NEIGHBOURHOOD PLAN POLICIES:

Designated **"Neighbourhood Residential"** in the Central Area Plan (sec. 4.4). The areas with this designation are lands where the predominant use is and will continue to be housing. These existing residential neighbourhoods should be preserved and strengthened and only uses compatible with housing will be encouraged to remain or locate within these areas. Commercial, institutional and recreational uses of a type and scale which are appropriate to the needs of the neighbourhood are encouraged. Conversions of residential buildngs to limited commerical uses will be permitted as long as the residential character of the area is preserved.

Designated **"Single, Double and Attached Housing"** in the Corktown Neighbourhood Plan.



11.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 4, 1989
COMM FILE
DEPT FILE CI-89-C
Rolston
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

City Initiative 89-C for a modification in zoning - 71-103 Britten Close.

RECOMMENDATION:

That approval be given to City Initiative 89-C for a modification to the "C" (Urban Protected Residential, etc.) District regulations, to establish the location of the "rear lot line", for the properties located at Nos. 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

   a) For the purposes of this by-law, the rear lot line shall be the boundary line along Garth Street.

   b) That no vehicular access shall be permitted from Garth Street.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-17A be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17A for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a modification to the "C" (Urban Protected Residential, etc.) District regulations for the properties located at Nos. 71, 75, 79, 83, 87, 91, 95, 99, and 103 Britten Close, as shown on the attached map.

The effect of the by-law is to exempt the subject properties from the "through-lot" provisions of Zoning By-law No. 6593, by establishing the property lines adjoining Garth Street as the "rear lot line". In addition, vehicular access from Garth Street will be prohibited.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

On May 10, 1989, the Planning and Development Committee requested the Planning and Development Department to undertake a City Initiative to exempt the properties fronting on Britten Close and backing onto Garth Street from the "through lot" provisions of the Zoning By-law. Originally the property located at No. 107 Britten Close was considered as part of the City Initiative; however, the Building Department has advised that it is not considered as a "through-lot."

PROBLEM

The owners of the subject properties have experienced difficulty in erecting accessory structures (e.g. Garden Sheds) because, according to the Zoning By-law, they are considered as "through lots". "Through lots" are interior lots that have frontages on two streets; in this regard, each lot technically has two front yards. Based on the zoning by-law requirements, the accessory structure would have to maintain a 6.0 m yard. In practical terms, the location of the accessory structures would have to be 6.0 m from the rear of the fence (Garth Street) whereas 0.5 m is required for "regular" lots.

Since 1980, the Region has placed one foot reserves (either through a subdivision or a modified subdivision agreement) on all residential lots that have reverse frontages. With the establishment of

the one foot reserve, the lots are no longer considered as "through lots". Since this subdivision was registered in 1971, this system was not in place.

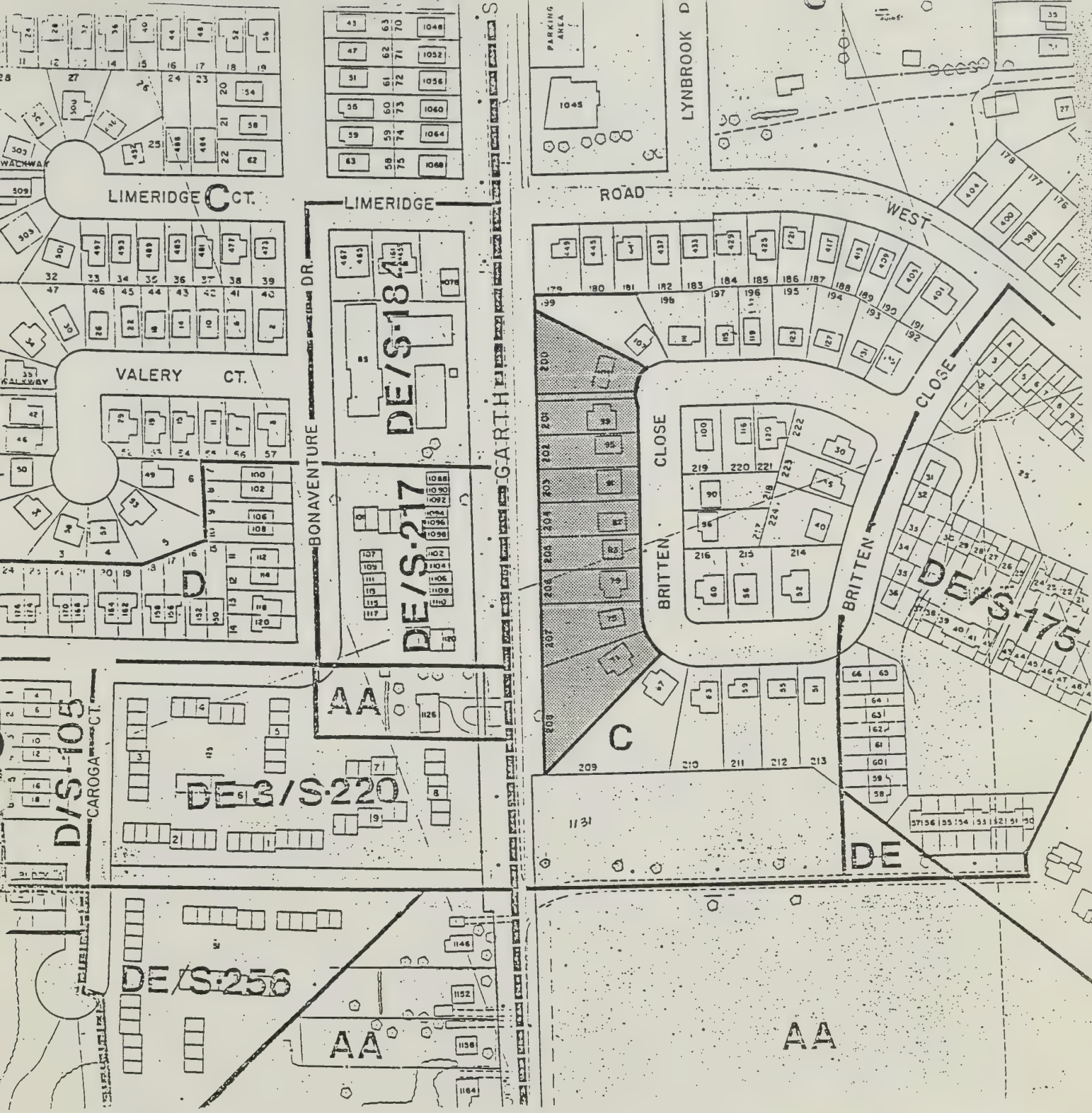
To ensure that no cars will have access to the rear yards, vehicular access form Garth Street should be prohibited.

To eliminate the "through lot" provisions for the subject properties, the City can either amend the Zoning By-law or establish a one foot reserve. In terms of municipal administration and well as for the ease of the land owners, it is more appropriate to amend the zoning By-law to establish a rear lot line for the properties.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPCI89C



SITE OF THE APPLICATION

C1-89-C

Carlton F. Brown
Margaret R. Lightheart Brown
25-101 Bonaventure Dr.
Hamilton, Ontario
L9C 4P8

November 29, 1989

11a.

The Corporation of the City of Hamilton
Planning and Development Committee
City Hall
Hamilton, Ontario
L8N 3T4

Dear Planning and Development Committee

RE PLANNING DEPARTMENT FILE # CI-89-C

PROPOSAL FOR EXEMPTING PROPERTIES NOS. 71, 75, 79, 83, 87, 91, 95, 99 AND 103 BRITTEN CLOSE FROM HAMILTON ZONING BY-LAW NO. 6593:

We are writing to express our opposition to the proposed exemption, and to give our reasons.

If the aforementioned properties become exempt from this by-law and thereby be considered "regular lots" instead of "through lots" then it is understood that the owners of these properties will be allowed to erect accessory structures <u>including property fences</u> to within 0.5 m of Garth Street.

It seems likely to us that the owners of these properties will, upon approval of this exemption, extend their existing fences down to the sidewalk so that the entire length of Garth Street from the open field (#1131 on your map CI-89-C) down to Limeridge Road, on the east side, will be closely hemmed in by property fence. It seems even more likely to us that the owners of these properties will engage in this project jointly and promptly upon approval of this exemption because their property fences were damaged recently by a motor vehicle, and insurance/other monies may be available to them for such an ambitious undertaking.

If this occurs, then this section of Garth Street will become hemmed in, and pedestrians will be forced to remain quite close to the road, as is now the case on the west side of Garth Street near Beckett Drive, at the top of the Queen Street Hill. This is dangerous in the extreme, as it provides little leeway for pedestrians to get out of the way of cars which may stray onto the sidewalk, and it gives cars which go out of control little chance of missing pedestrians walking on the sidewalk.

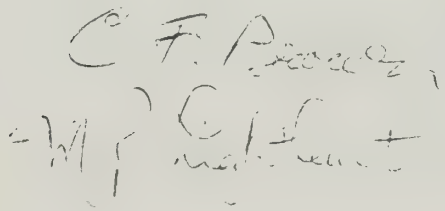
.../2

To wit, in the recent accident which damaged the fences of these properties, a car jumped the curb, crossed the sidewalk, and travelled some distance along the fence line before finally coming to a stop. If this fence line had been 0.5 m from Garth Street, then the car would have travelled the same distance along the sidewalk, and several deaths might have resulted.

Allowing front yards to abut on Garth Street does not usually result in the same problem, since fewer property owners are likely to put property fences and enclosures around their front yards.

The purpose of the zoning by-law seems to us to be to prevent this very action which you are trying to allow, the hemming in of a major street with backyard fences. Please give consideration to allowing the law to stand as it is.

Yours Sincerely,



Carlton F. Brown, M.Sc.

Margaret R. Lightheart, M.D. FRCS(C)

PROPOSED CHANGE - MODIFICATION TO THE C DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NOS 71,75,79,83,87,91,95,99 AND 103 BRITTEN CLOSE

letter attached.

I AM IN FAVOUR OF ( )

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

W. Lightheart Brown ..... C.F. Brown .....SIGNED

DEC 04 1989

BROWN CARLTON OR OCCUPANT
LIGHTHEART BROWN MARGARET
101 BONAVENTURE DR
HAMILTON, ONT
L9C 4P8

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

.....

FILE-C189-C SEQ-00039

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 5, 1989
COMM FILE
DEPT FILE ZA-89-92
Gourley
Neighbourhood

FROM: J.D THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - property located at No. 302 Stone Church Road West.

RECOMMENDATION

That approval be given to Zoning Application 89-92, Mrs. Siga Erickson, prospective owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to create three single-family dwelling lots for property located at No. 302 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-17C for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 302 Stone Church Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the proposed change in zoning is to sever the subject land into three building lots for single-family detached dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  Initially, it was the applicants intention to sever two lots for single-family dwellings. However, land severance applications submitted after the rezoning application proposed severance for three single-family dwellings lots.

- Land Severance Applications H-228-89 to 230-89

  The applicant has applied to the Land Division Committee for severance of three lots which are the subject of this rezoning application.

  At its meeting held on November 14, 1989 the Land Division Committee approved three severance applications on the condition that the applicant:

  1. Satisfy all requirements of the City of Hamilton.

  2. Pay a capital lot levy of 1,985.00 to the Regional Department of Finance.

  3. Dedicate to the Regional Municipality of Hamilton-Wentworth sufficient land for road widening purposes as requested by the Regional Engineer.

  4. Submit proof of final approval of any necessary change of zoning/zoning amendment.

  5. Enter into a modified Subdivision Agreement to the satisfaction of the Regional Engineering Department.

APPLICANT

Siga Erickson, prospective owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- 71.93 m (236.0 ft.) of broken lot frontage on Stone Church Road West;

- an average lot depth of 78.9 m (259.0 ft.); and,

- a lot area of 10,340.3 m^2 (111,306 sq.ft.).

LAND USE AND ZONING

	Existing Land use	Existing Zoning
Subject Lands	single-family dwelling	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant	"AA" (Agricultural) District
to the south	single-family dwellings and vacant lands	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District
to the west	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to, among others,the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE" residential (large lot) development on the approved Gourley Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department has advised that:

  "All lots would have to meet the "C" zoning requirements including all existing buildings."

- The Traffic Department has advised that:

  "...we have reviewed the above-noted application and find it satisfactory. The applicant should however be advised that access to No. 308 Stone Church Road West should be via the new collector roadway rather than by Stone Church Road."

- To date, the Hamilton-Wentworth Engineering Department and the Hamilton-Wentworth Regional Police Department have submitted no comments.

- The Hamilton-Region Conservation Authority, and The Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The propoal complies with the intent of the approved Gourley Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Gourley Neighbourhood Plan;

   ii) it would be compatible with existing and future development contemplated in this area;

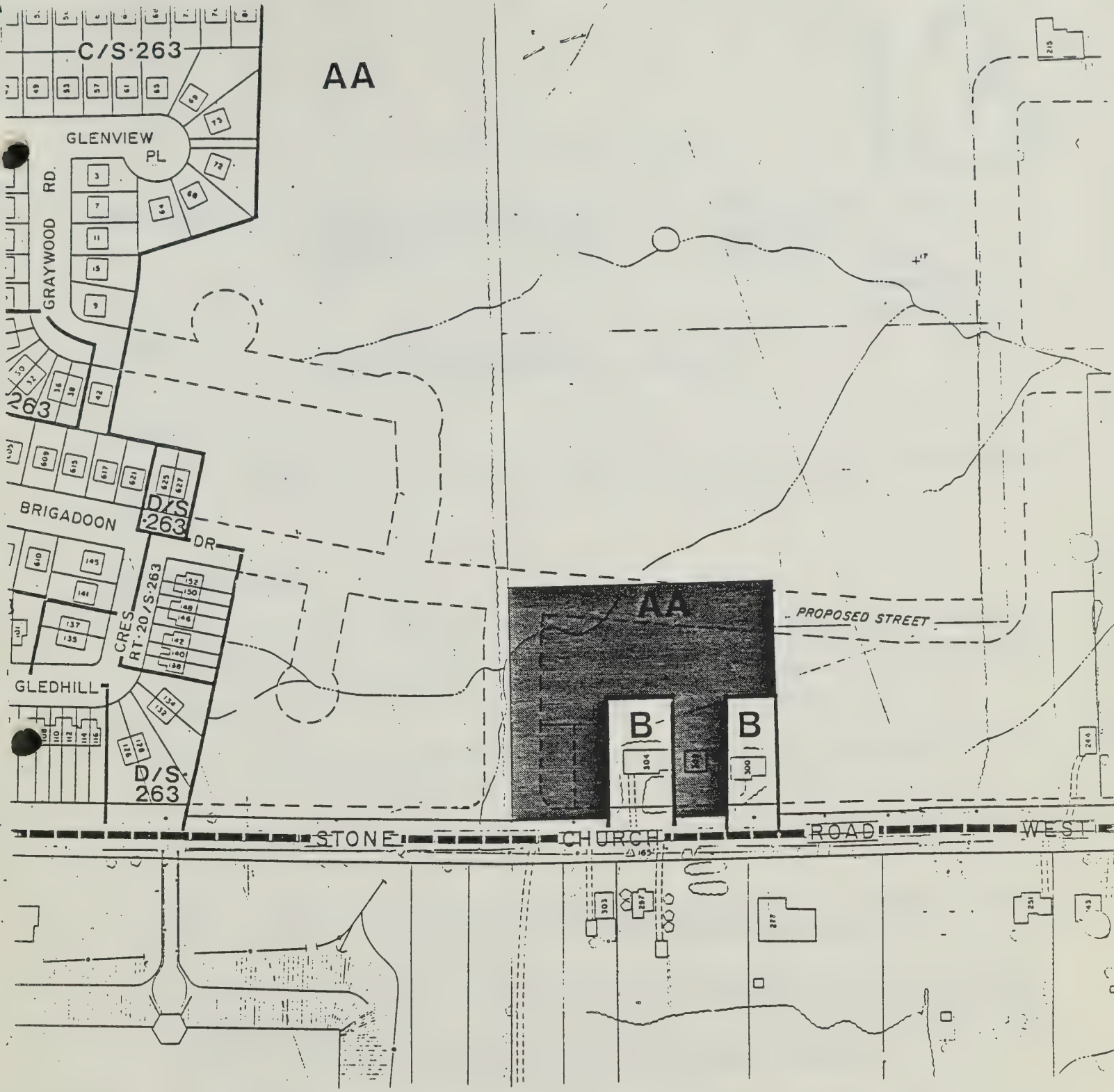
   iii) the requested change in zoning is appropriate for the proposed development;

   iv) it implements the condition of rezoning required for the land severances by the Regional Land Division Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA8992



LEGEND

SITE OF THE APPLICATION

ZA 89-92

APPENDIX A

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 5, 1989
COMM FILE:
DEPT FILE: ZA-89-88
Hannon West
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification to the "M-12" (Prestige Industrial) District regulations - No. 1050 Rymal Road East.

RECOMMENDATIONS:

1) That amended Zoning Application 89-88, 712191 Ontario Ltd. (G. Valko), Owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations, to permit a gas bar and a lube shop for the property located at No. 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED, in part, for the following reasons:

   a) The gas bar is considered as a commercial use which is more appropriately located in the "M-11" zone which permits a broad range of commercial uses;

   b) There is an adequate supply of suitably zoned land along Rymal Road East to accommodate the proposed gas bar use; and,

   c) Approval of the application may encourage other similar type applications which, if approved, would undermine the intent of the Prestige Industrial Zoning Districts.

2) That approval be given to a further amended Zoning Application 89-88, 712191 Ontario Ltd. (G.Valko), owner, requesting a modification to the "M-12" (Prestige Industrial) District regulations,to permit a lube shop, for the property located at No. 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "M-12" (Prestige Industrial) District regulations, as contained in Section 17D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

      a) That notwithstanding Section 17(D)(1)(b), the following additional commercial use shall be permitted:

Commercial Use	S.I.C. Number
Gasoline Service Station, restricted to	6331
1. Lubrication services, motor vehicles	

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-49E be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49E for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to "M-12" (Prestige Industrial) District regulations for the property located at No. 1050 Rymal Road East, as shown on the attached map.

The effect of the By-law is to permit a lube shop in conjunction with a proposed car wash.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- DA 88-75

  On August 12, 1988, the Planning and Development Committee approved a site plan to establish a 9-bay self-serve car wash on the subject lands.

In May 1989, the applicant submitted a second set of plans that were substantially different from those approved by the Committee on August 12, 1988. The applicant was advised that the development would have to conform to the approved plans or an amended application would have to be submitted. To date, the applicant has not submitted an application to revise his plans.

- Proposal

  The applicant wishes to establish a gas bar and lube shop in conjunction with the car wash.

LOT SIZE AND AREA:

- 38.11 m (125 ft.) of lot frontage on Rymal Road East;
- 91.44 m (300 ft.) of lot depth; and,
- 3,484.78 m^2 (37,500 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"M-12" (Prestige Industrial) District
Surrounding Lands		
to the north	townhouses	"R-4" (Small Lot Single-Family Dwellings) District
to the south	vacant	"M-15" (Prestige Industrial) District
to the east	vacant parcel and public storage	"M-12" (Prestige Industrial) District
to the west	single-family dwelling, and hydro substation	"M-12" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A". The following policies apply:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to industries;

iv) Residences for maintenance staff of a principal use;

v) Research and development facilities;

vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area."

In addition, the subject lands are located within Special Policy Area 11 on Schedule "B". Accordingly, the following policy should be noted:

"A.2.3.13 The LIGHT INDUSTRIAL category applies to those industrial uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park."

Based on the above noted policies, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Restricted Industrial-Commercial" in the approved Mountain Industrial Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments or objections:

  - Building;
  - Regional Police;
  - Economic Development; and,
  - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "The proposed change in zoning to permit a car wash, gas bar, variety store and automotive retail outlet is satisfactory.

  Our review of the preliminary plan indicates that modification will be required to provide adequate circulation and storage area for vehicles waiting to use the car wash bays. A final review and comments will be made during the site plan approval process."

- The Property Department has advised that they object to the proposed zoning modification.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains as well as sanitary sewers are available to service the subject lands.

  The designated road allowance width of Rymal Road is 36.58 m (120 feet). In accordance with this designation, the Region previously acquired the required road allowance widening on Rymal Road as shown on Misc. Plan No. 770. Therefore, no further road allowance widenings are anticipated at this time.

  In the absence of any detail shown, we advise that any works which may occur within the Rymal Road road allowance, as widened, must conform to Hamilton-Wentworth Road Use By-law.

  Traffic Department to comment on access design etc. Details of the development must be determined at the site plan stage i.e. grades etc. We recommend that only a modification be made to the zoning to permit the proposed gas bar use and not all the uses in the M-11 zone such as restaurants etc."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan or approved Mountain Industrial Neighbourhood Plan.

2) The proposal, as submitted, cannot be supported for the following reasons:

   a) the gas bar is permitted as-of-right under the "M-11" (Prestige Industrial) District which permits a broad range of retail and service type commercial uses, whereas the "M-12" District primarily provides for a variety of wholesale commercial uses;

   b) there is an adequate supply of suitably zoned land along Rymal Road East which could accommodate the proposed gas bar use including "M-11" lands to the east (northside of Rymal Road East, east of Upper Ottawa Street) and "HH" lands to the west (northside of Rymal Road East between Upper Gage Avenue and Upper Ottawa Street); and

   c) approval of the application may encourage other similar type applications which, if approved, would undermine the intent of the Prestige Industrial Zoning Districts.

3) The applicant, in his submission justifying the proposed uses, indicates that there are 5 gas bars on the north side of Rymal Road East between Highway No.6 and No. 20 and no gas bars on the south side. A review of the land use maps indicates there are gas bars at the following locations:

	Location	Zoning
1.	Northwest corner of Upper James Street and Rymal Road East	"HH" (Restricted Community Shopping and Commercial) District
2.	Southeast corner of Upper James Street and Rymal Road East	"HH" (Restricted Community Shopping and Commercial) District
3.	Between Upper Gage Avenue and Rockland Avenue	"HH" (Restricted Community Shopping and Commercial) District
4.	Between Upper Ottawa Street and Nebo Road (2 gas bars)	"M-11" (Prestige Industrial) District

There are additional gas bars on the north side of Rymal Road East but they are located in Stoney Creek.

The above noted gas bars are located in zoning districts which allow the use and, therefore, modifications to these zoning districts were not required.

4) An amended application to support the lube shop in addition to the car wash can be supported for the following reason:

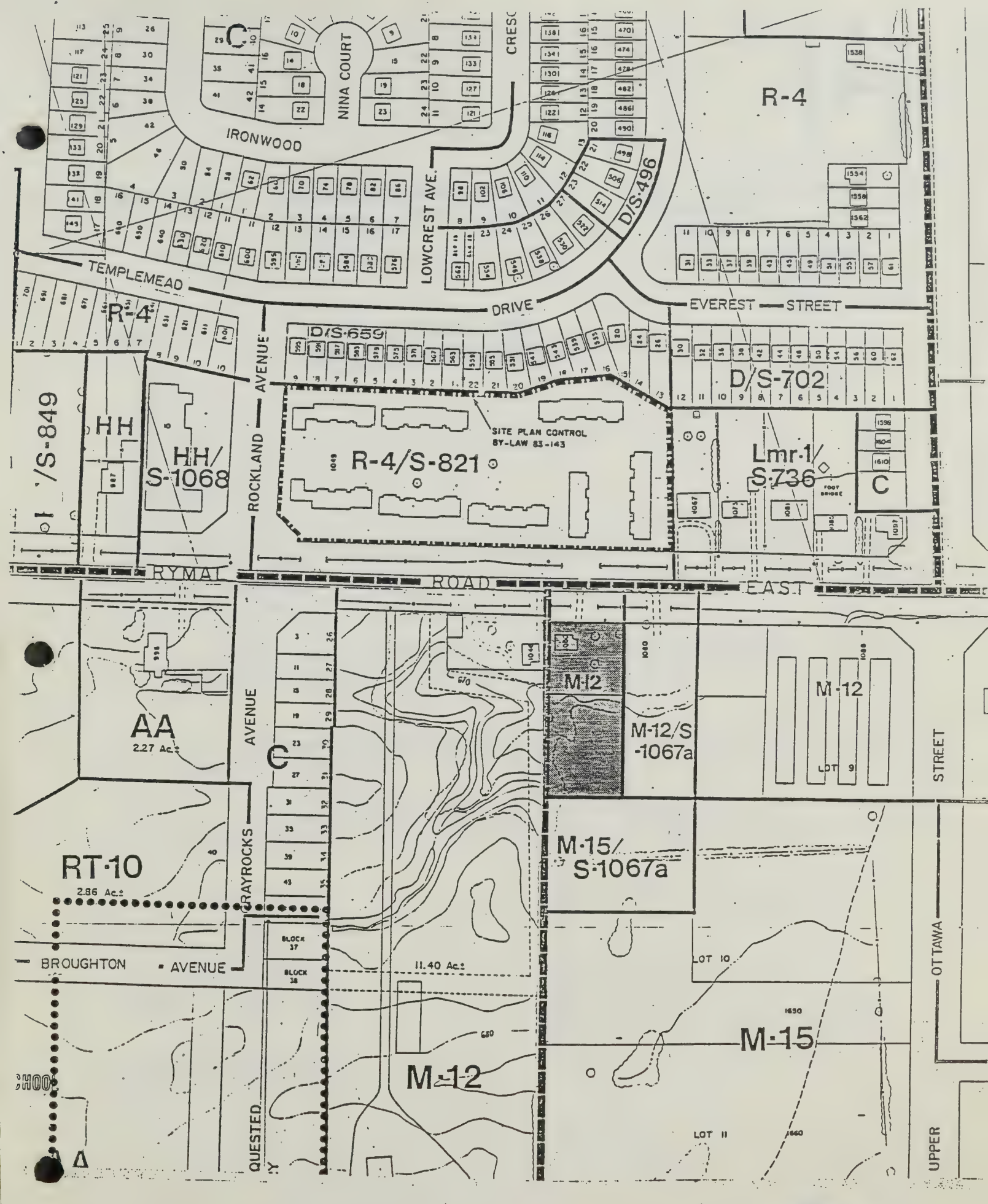
   a) it is consistent with existing and proposed automotive related uses permitted on properties in the surrounding area; including the adjoining lands located at No. 1060 Rymal Road East which were rezoned to permit a tire/battery store, glass replacement, transmission, muffler repair shops, but not a gas bar.

5) If the amended application is approved then the applicant will be required to submit new site plans to include the new use.

CONCLUSION:

Based on the foregoing, a further amended application to only permit a lube shop can be supported.

JHE/ma
ZA8988



Legend

Site of the Application

ZA 89-88

APPENDIX A

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 6, 1989
COMM FILE
DEPT FILE ZA-89-94
Broughton
West
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 820 Rymal Road East.

RECOMMENDATION

That Zoning Application 89-94, Jennie and Ernest Spenuk, owners, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District to permit a commercial plaza, on property located at No. 820 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.

ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.

iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposed Development

  The purpose of the proposed change in zoning is to permit future development of the subject property for a commercial plaza containing retail stores, professional offices, etc. Further details of the proposal are outlined in an explanatory note submitted by the applicant (see APPENDIX "C" attached).

- Secondary Plan Commercial Design Standards

  The purpose of the "Secondary Plan Commercial Design Standards" report was as follows:

  - to review the characteristics of the existing commercial facilities on the Mountain; and,

  - to provide a set of standards to assist the neighbourhood planning process in the allocation of future commercial areas in neighbourhood plans.

  The study culminated with the adoption of O.P.A. #7 which was approved by the Ministry of Municipal Affairs and Housing on April 15, 1985. O.P.A. #7 introduced a number of design standards to guide the neighbourhood planning process in the distribution of Shopping Centres. The preferred locations of each type of Shopping (i.e. Community Shopping Centre; Neighbourhood Shopping Centre; and Convenience Shopping Centre) are illustrated on Schedule "B-2" of the Plan (see APPENDIX "D"). It should be noted, that the subject lands are not so designated.

APPLICANT

Jennie and Ernest Spenuk, owner.

LOT SIZE AND AREA

- 60.96 m (200.0 ft.) of lot frontage on Rymal Road East;
- 71.62 m (235.0 ft.) of lot depth; and,
- 4,366.45 m^2 (47,001.5 sq. ft.)

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"AA" (Agricultural) District

Surrounding Lands

to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	vacant	"AA" (Agricultural) District
to the east	vacant lands and a townhouse development	"AA" (Agricultural) District and "RT-10" (Townhouse) District
to the west	single-family dwellings and vacant lands	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" Land Use Concept Plan of the Official Plan, and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The Local Commercial category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

A.2.2.26 The maximum site area of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve Local Residential areas only with convenience goods and personal services."

In accordance with Policy A.2.2.27, Local Commercial uses must be designated in the Neighbourhood Plan.

Schedule "B-2" - Other Special Policy Areas of the Plan identifies the preferred location of various types of Shopping Centres for the Hamilton Area south of the proposed freeway. The subject property is not identified for any type of shopping centre. Given the proximity of the site to other identified areas and the lack of a demonstrated need for the proposal, it conflicts with the intent of the Plan.

NEIGHBOURHOOD PLAN

Designated for "SINGLE and DOUBLE" residential development on the approved Broughton West Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL".

COMMENTS RECEIVED

- The Building Department, the Hamilton Region Conservation Authority, and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Traffic Department has advised that:

  "The approved Broughton West Neighbourhood Plan designates this property for single and double family residential, The introduction of a commercial use at this location will draw additional traffic to a roadway intended for local residential traffic only. The existing traffic on Rymal Road will also make left turns from the site difficult and drivers will likely travel through the neighbourhood to reach a signalized access to Rymal Road. This is therefore an inappropriate location for a commercial use.

  It is our opinion that a commercial area, if one is required in this neighbourhood, would be better suited adjacent to a mid-block collector which in the future will be signalized."

- To date, the Hamilton-Wentworth Engineering Department and the Hamilton-Wentworth Regional Police Department have submitted no comments.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan which designates the subject lands RESIDENTIAL. Approval would require redesignation to COMMERCIAL.

2. The proposal does not comply with the approved Broughton West Neighbourhood Plan which designates the site for "SINGLE and DOUBLE" residential development.

3. The proposal cannot be supported for the following reasons:

   - it conflicts with the intent of the Official Plan which designates the lands "RESIDENTIAL";

- it conflicts with the intent of the approved Broughton West Neighbourhood Plan which designates the site for "RESIDENTIAL" uses (i.e. Single and Double housing);

- as illustrated by APPENDIX "B", there is an adequate supply (approx. 38 acres) of commercially designated and zoned land in the surrounding area along Rymal Road to serve the needs of the residents in this area.

  For example, there is a 2.0 ac. and a 12.0 ac. block of commercially zoned land ("G-1") located approximately 1160 m (3,805 ft.) and 820 m (2,690 ft.) respectively, west of the subject property at the northwest and northeast corners of Upper Wentworth Street and Rymal Road East; a 2.0 ac. block of commercially designated land currently zoned "AA", located approximately 440 m (1,443 ft.) west of the subject property at the southwest corner of the proposed extension of Upper Sherman Avenue and Rymal Road East; a 4.50 ac. block of commercially zoned land ("G-1") located approximately 380 m (1,247 ft.) west of the subject property at the northeast corner of Upper Sherman and Rymal Road East; **a 1.45 ac. block of land designated for "Commercial and Apartments" currently zoned "C" residential, located diagonally to the subject property at the northwest corner of Upper Gage Avenue and Rymal Road East;** and a 16.0 ac. block of commercially zoned land ("G" and "HH") located approximately 210 m (690.0 ft.) east of the subject property on the north side of Rymal Road East between Upper Gage Avenue and Rockland Avenue;

- the applicants reasons supporting the need for additional commercial land (see APPENDIX "C" attached) cannot be justified;

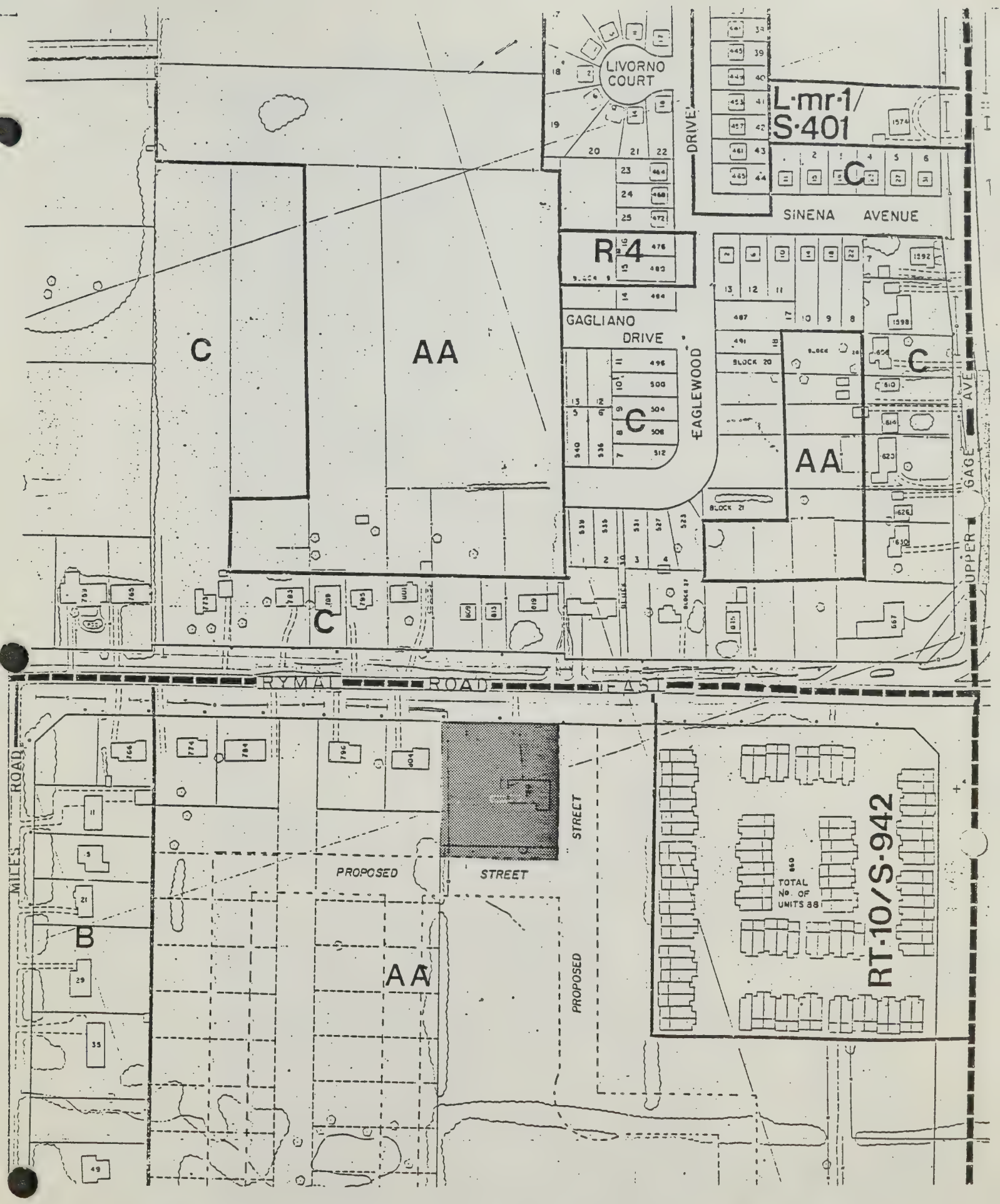
- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan, Neighbourhood Plan, and the viability of existing and planned commercial development in this area; and

- the Traffic Department has advised that the subject lands are an inappropriate location for a commercial use.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma
WPZA8994

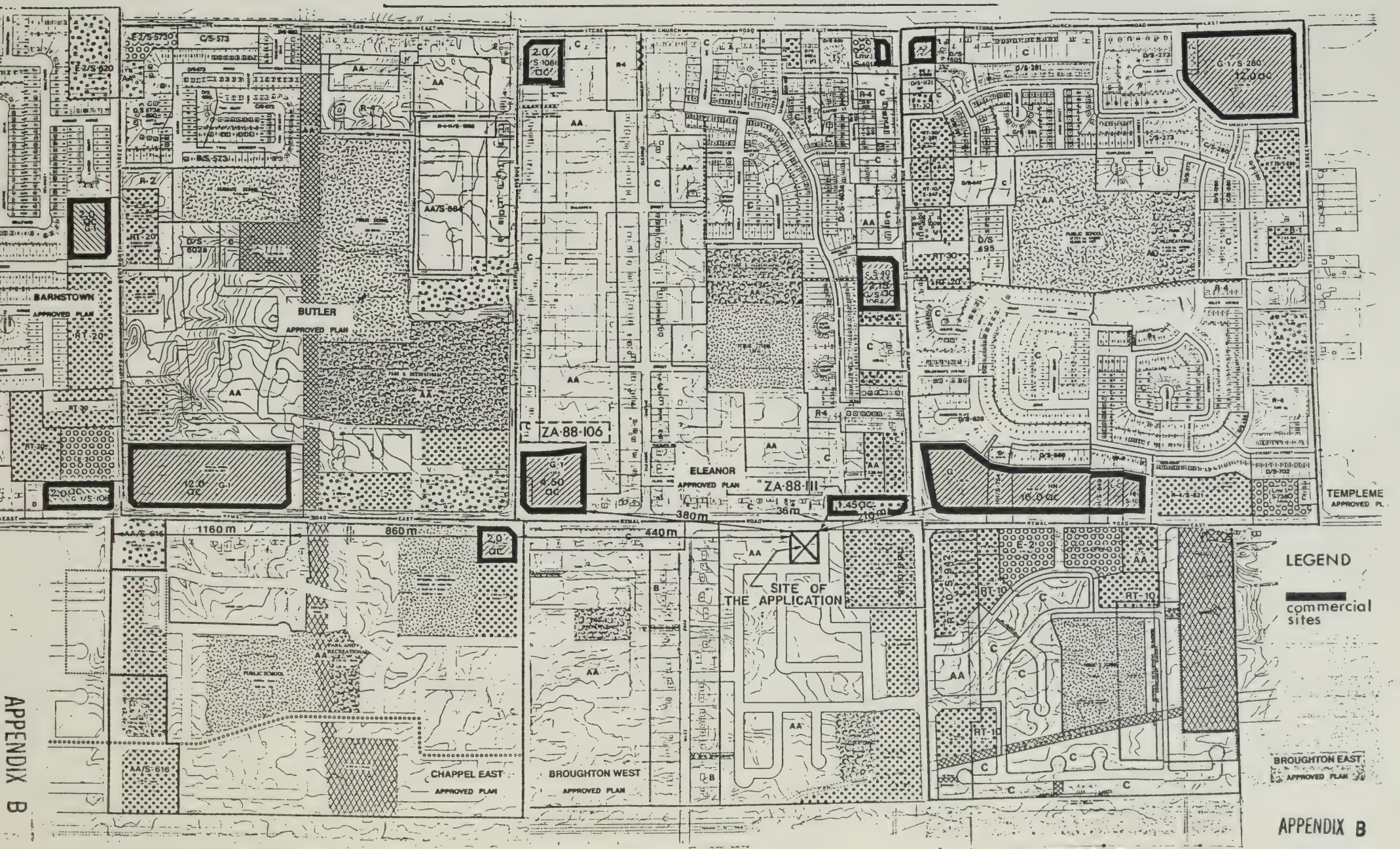


Legend

Site of the Application

ZA 89-94

APPENDIX A


BARNSTOWN
APPROVED PLAN
BUTLER
APPROVED PLAN
ZA-88-106
ELEANOR
APPROVED PLAN
ZA-88-111
SITE OF
THE APPLICATION
CHAPPEL EAST
APPROVED PLAN
BROUGHTON WEST
APPROVED PLAN
BROUGHTON EAST
APPROVED PLAN
TEMPLEME
APPROVED PL
1160 m
860 m
380m
440 m
36m
LEGEND
commercial
sites
APPENDIX B

APPENDIX B

Explanatory Note
820 Rymal Road East

This is an application for the rezoning of 820 Rymal Road East from 'AA' (Agriculture) to 'HH' - Special (Commercial) to supply a commercial use for the expanding neighbourhood and for highway traffic. In addition to the range of commercial uses permitted in an 'HH' District, this application also requests that a medical or dental clinic and/or doctor and dentist office be added as a permitted use. The 'HH' designation is similar to zoning for existing properties near the subject property.

There are several factors that make this propety an ideal location for a commercial use. The subject property is located on a major highway and full servicing is available.

There are some commercial uses along RYmal Road but there are none located on the south side near this neighbourhood. To the east, the closest location of commercial uses, similar to those proposed for the subject property on the south side of Rymal Road, are located in Elfrida at Highway 53 and Highway 20. To the west, the closest uses are at Ryckman's Corner's (Rymal Road and Upper James).

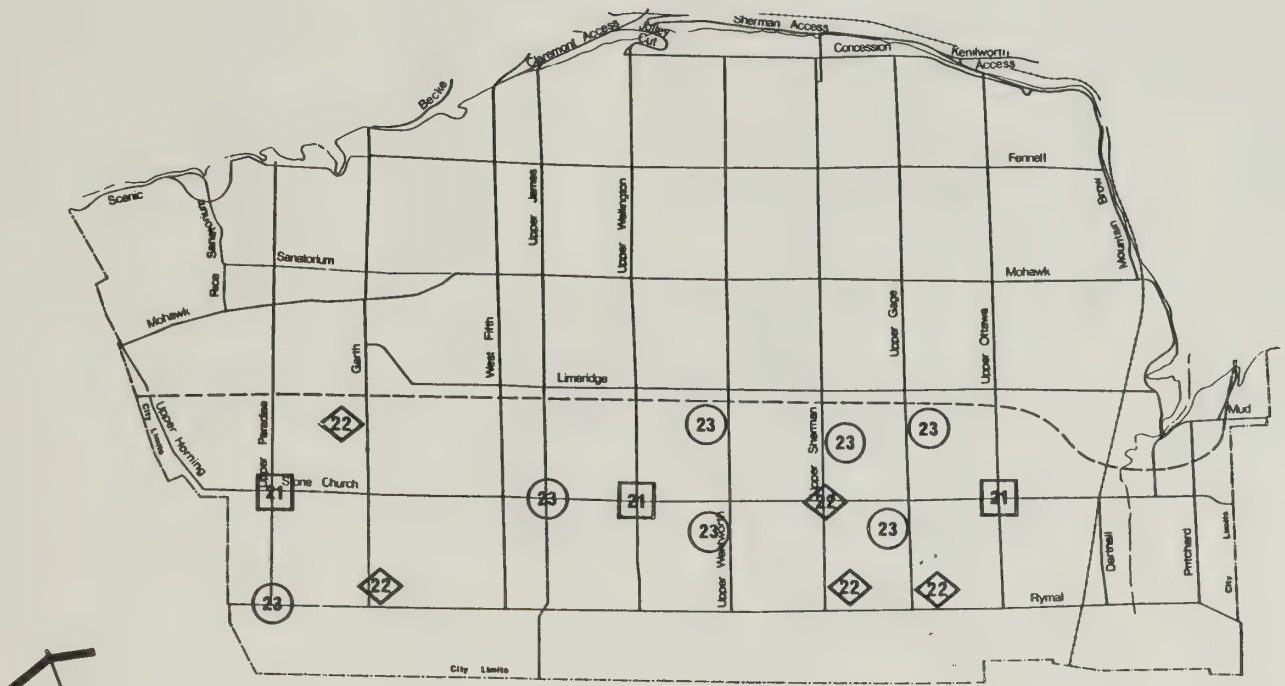
Further justification for the designation is based on the growth of the surrounding neighbourhood. Recently, a plan of subdivision for units on the lands directly south of the subject property was approved. As this new subdivision develops, the subject property will have frontage on three roads. This creates an ideal commercial location which eventually could have access off of interior roads as well as the highway. Thus, the development would satisfy the need for both neighbourhood and highway commercial on the south side of Rymal Road.

There is a growing neighbourhood demand for commercial uses which augments the existing population base. The existing townhouse project immediately east of the property contains units. As the subdivision develops, more families will move into the area. At present, a walk to the local convenience store will m ean crossing a highly travelled highway. Upper Gage and Rymal Road is not a signalized intersection and thus, a significant safety hazard could emerge. Therefore, from a locational and functional perspective, some commercial development on the south side of Highway 53 is warranted.

AF/sh

September 19, 1989

APPENDIX C



other special policy areas

legend

- 21 refer to policy A.2.2.8 (iii) and D.2.5(x)(a)
- 22 refer to policy A.2.2.8 (iv) and D.2.5(x)(b)
- 23 refer to policy A.2.2.8 (v) and D.2.5(x)(c)

schedule B-2

to the official plan
for
the city of hamilton

Feb., 1989

APPENDIX D

DiCenzo Construction Co.

GENERAL CONTRACTORS
CUSTOM BUILT HOMES

14a.

TEL. 561-3767
205 QUIGLEY ROAD
UNIT #2
HAMILTON, ONTARIO
L8K 5M8

December 6, 1989

Real Estate Department
City Hall
Hamilton, Ontario
L8N 3T4

ATTENTION: MR. MIKE WATSON

Dear Mr. Watson:

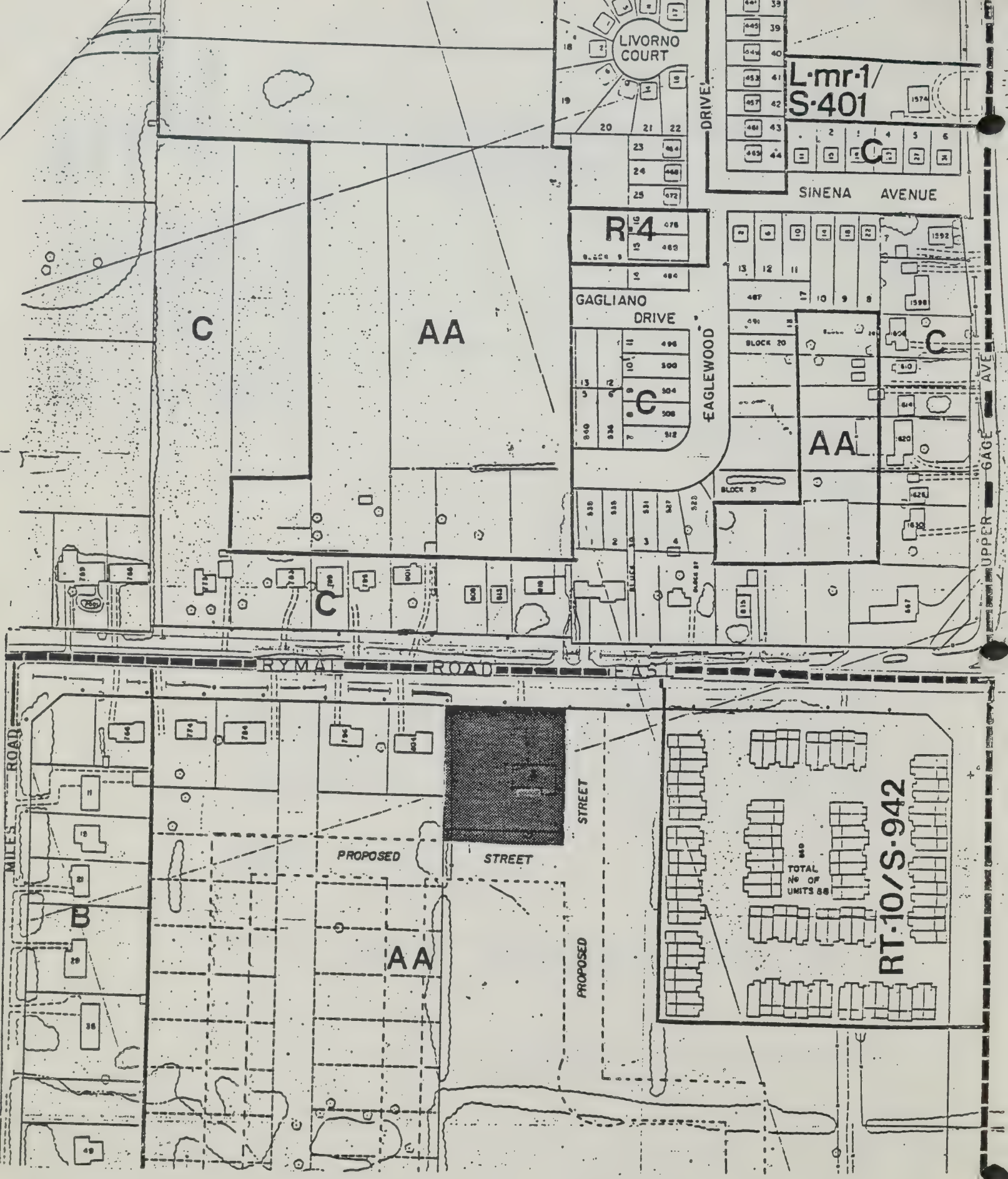
We received a change of zoning Application by Mr. J. Spenuk regarding the property at No. 820 Rymal Road East, if this Application is approved I would like to draw your attention to the fact that there are 2 proposed streets next to this property in addition to a strip of land between the street and the property which are owned by DiCenzo Construction. Any costs incurred with regards to half of the proposed streets and the strip of land, including land costs and service costs should be paid by Mr. Spenuk.

Thank you,

A. DiCenzo

cc Paul Mallard, Planning Dept., City Hall ZA-89-94
cc Mr. Brenner, Engineering Dept., City Hall

Delivered by: Mr. A. DiCenzo
December 7, 1989.



Legend

Site of the Application

ZA 89-94

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: December 6, 1989
COMM FILE
DEPT FILE ZA-89-38
Lakely
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change and modification in Zoning - Lands located south of the C.N. Railway tracks, east of Centennial Parkway North.

RECOMMENDATIONS:

1. That approval be given to Official Plan Amendment No. to redesignate the subject lands from "INDUSTRIAL" to "COMMERCIAL", to delete the lands from Special Policy Area 11 and to establish a new Special Policy Area to limit the types of Commercial uses, and that the City Solicitor be directed to prepare a by-law for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to an amended Zoning Application 89-38, Landawn Shopping Centres (National) Limited, prospective owner, requesting a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the construction of a one storey, 9,950 m^2 shopping centre (i.e. Home Design Centre), for the lands located south of the C.N.R. Railway Tracks, east of Centennial Parkway North, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the subject lands be rezoned from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District;

   ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      a) That notwithstanding Section 14A(1), only the following uses shall be permitted:

         Residential

         1) Hotel

Commercial

1) Gas Bar;
2) Building Supply Store (Lumber Yard);
3) Sporting Goods Store;
4) Offices;
5) Bowling alley;
6) Billiard hall;
7) Cinema (movie theatre);
8) Restaurant provided it is non-fast food, there is no drive-thru facility, and it is not free standing;
9) Bank;
10) Shoe Repair Shop;
11) Barbershop, hairdressing establishment or beauty parlour;
12) A store for the sale of tabacco products, newspapers and magazines; and,
13) Signs in accordance with the "HH" District provisions.

b) That notwithstanding Section 14A(1), the following uses shall be permitted in addition to the uses listed in Subsection 2.ii)a) above:

Commercial Uses		S.I.C. Identification
1.	Household Furniture Stores (With Appliances and Furnishings)	6211
2.	Household Furniture Stores (Without Appliances and Furnishings)	6212
3.	Appliance, Television, Radio and Stereo Stores	6221
4.	Television, Radio and Stereo Stores	6222
5.	Floor Covering Stores	6231
6.	Drapery Stores	6232
7.	Other Household Furnishings Stores	6239
8.	Lawn and Garden Centres	6522

9.	Hardware Stores	6531
10.	Paint, Glass and Wallpaper Stores	6532

c) That notwithstanding Section 14A, outside storage use in conjunction with a permitted use shall be permitted subject to the following:

1. A visual barrier not less than 1.5 m and not more than 2.0 m in height shall be provided and maintained along the westerly boundary and 20 m along the southerly boundary contiguous to the westerly boundary.

2. The total area of the outside storage shall not exceed 15% of the total lot area.

d) That a minimum 3.0 m wide landscape strip shall be provided and maintained along the lot line adjoining Centennial Parkway, except for any area used for access driveway(s).

e) That a chain-link fence not less than 1.8 m in height shall be provided and maintained along the northerly property line.

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-113 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-113 for presentation to City Council;

v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "KK" (Restricted Heavy Industrial) District to "HH" (Restricted Community Shopping and Commercial) District, for the lands located south of the C.N. Railway tracks, east of Centennial Parkway North, as shown on the attached map.

The effect of the By-law is to permit the construction of a one storey, 9,950 m^2, shopping centre (i.e. Home Design Centre) containing one or more of the following uses:

Residential

1) Hotel

Commercial

1) Gas Bar;
2) Building Supply Store (Lumber Yard);
3) Sporting Goods Store;
4) Bowling alley;
5) Billiard hall;
6) Cinema (movie theatre);
7) Offices;
8) Restaurant provided that it is non-fast food, there is no drive-thru facility, and it is not free standing;
9) Bank;
10) Shoe Repair Shop;
11) Barbershop, hairdressing establishment or beauty parlour;
12) A store for the sale of tobacco products, newspapers and magazines; and,
13) Signs in accordance with the "HH" District provisions.

Other Commercial Uses		S.I.C. Identification
1.	Household Furniture Stores (With Appliances and Furnishings)	6211
2.	Household Furniture Stores (Without Appliances and Furnishings)	6212
3.	Appliance, Television, Radio and Stereo Stores	6221
4.	Television, Radio and Stereo Stores	6222
5.	Floor Covering Stores	6231
6.	Drapery Stores	6232
7.	Other Household Furnishings Stores	6239
8.	Lawn and Garden Centres	6522
9.	Hardware Stores	6531
10.	Paint, Glass and Wallpaper Stores	6532

In addition , the By-law provides for the following variances as special requirements:

- to permit an outside storage area in conjunction with a permitted use, provided the total outside storage area shall not exceed 15% of the total lot area;
- to require a visual barrier between 1.5 m to 3.0 m in height along the westerly boundary and 20 m of the southerly boundary of the storage area;
- to provide and maintain a minimum 3.0 m wide landscape strip along the lot line adjoining Centennial Parkway, except for any area used for an access driveway(s); and
- to provide and maintain a chain-link fence not less than 1.8 m in height along the northerly lot line adjacent to the Canadian National Railway Line.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The applicant intends to construct a one storey shopping centre having a gross floor area of 9,950 m^2, and an outdoor storage area of 5,692 m^2 for the building supply store.

The site is proposed as a "home improvement centre" with various outlets catering to home renovation, design, etc.

APPLICANT:

Landawn Shopping Centres (National) Limited, prospective owner.

LOT SIZE AND AREA:

- 228.6 m (750 ft.) of lot frontage on Centennial Parkway North;

- o 172. 69 m (556.56 ft.) of lot depth; and,
- o 4.13 ha (10.2 ac.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"KK" (Restricted Heavy Industrial) District
Surrounding Lands		
to the north	CNR tracks, heavy industrial operation; and an office building	"KK" (Restricted Heavy Industry) District
to the south	car dealership	"JJ" (Restricted Light and Limited Heavy Industry) District
to the east	industrial	"KK" (Restricted Heavy Industry) District
to the west	storage	"KK" (Restricted Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "INDUSTRIAL" on Schedule "A" and Special Policy Area 11 on Schedule "B". The following policies apply:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidential to INDUSTRIAL operation such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to Industries;

iv) Residences for maintenance staff of a principal use;

v) Research and development facilities;

vi) Public and private transportation terminals, highway and road-related services (e.g., automobile service stations); and,

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

A.2.3.14 The primary uses permitted in the Light Industrial category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.

A.2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas as set out in Policy 2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category."

Given that the nature of the proposed uses are commercial rather than industrial, the proposal does not comply with the intent of the Official Plan.

A site specific Official Plan Amendment is required to:

a) redesignate the lands from "INDUSTRIAL" to "COMMERCIAL";

b) remove the lands from Special Policy Area 11; and,

c) establish a new Special Policy Area to limit the types of Commercial uses.

GATEWAY EAST STUDY:

The proposed Gateway East Study designates the lands for "Business Park/Commercial" to encourage recreation/entertainment/ accommodation uses. The study concluded that the proposed uses were not envisaged for the area with the exception of the billiard hall, bowling alley, offices, cinema, restaurant and hotel; however, the proposed development of the site may attract the recreation/entertainment type uses for other sites in the surrounding area. On this basis, the proposal can be supported.

o The C.N. Railway has advised that:

"We have reviewed the application for zoning amendment and have no objections in principle provided our concerns as follows are addressed:

1. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the railway and be substantiated by a drainage report to the satisfaction of the railway.

2. Surface runoff from the site must be constrained to pre-development levels.

3. The owner shall install and maintain at his own expense, a chain-link fence of minimum 1.8 metre (6 feet) height along the mutual property line.

4. Proponents should endeavour to provide a building setback of 30 metres from the railway right-of-way for safety reasons."

COMMENTS:

1) The proposal does not comply with the intent of the Official Plan. A site specific redesignation from "INDUSTRIAL" to "COMMERCIAL", the removal of the subject lands from Special Policy Area 11, and the establishment of a new Special Policy Area to limit the types of commercial use will be required to permit the proposal.

2) The proposal complies with the intent of the proposed Gateway East Study.

3) The proposal has merit and warrants consideration for the following reasons:

   a) it is located on a major arterial road (Centennial Parkway North);

   b) it is consistent with the existing land use in the surrounding area, including warehousing to the west, and commercial to the south;

   c) it will improve the area's overall image and may encourage the redevelopment of adjacent properties;

   d) the existing "KK" zoning permits a broad range of heavy industrial uses, including a slaughter house, metal products factory, wood products factory, etc. Accordingly, the proposed uses are less offensive and more inkeeping with the intent of the proposed Gateway East Study. Furthermore, some of the proposed uses are already permitted as-of-right under the established "KK" District Zoning (e.g. builders' supply yard; gas bar), and the other uses are no less feasible.

4) The proposed Gateway East Study highlights several urban design features which should be considered in the redevelopment of the area:

- o Landscaping

  To complement the parkland character of Confederation Park, the study proposes to require extensive landscape treatment along Centennial Parkway. Accordingly, it is appropriate to include in the amending by-law a minimum 3.0 m wide landscaped strip along the Centennial Parkway frontage, as proposed.

- o Signage

  To enhance the urban quality of Centennial Parkway, it would be desirable to have a sign which serves a dual purpose, both as an attractive and a decorative landmark, as well as for identification. The applicant is willing to consider such a design feature.

- o Sidewalks

  The study proposes sidewalks for all portions of Centennial Parkway. It would improve the aesthetics of the area as well as improving safety for pedestrians.

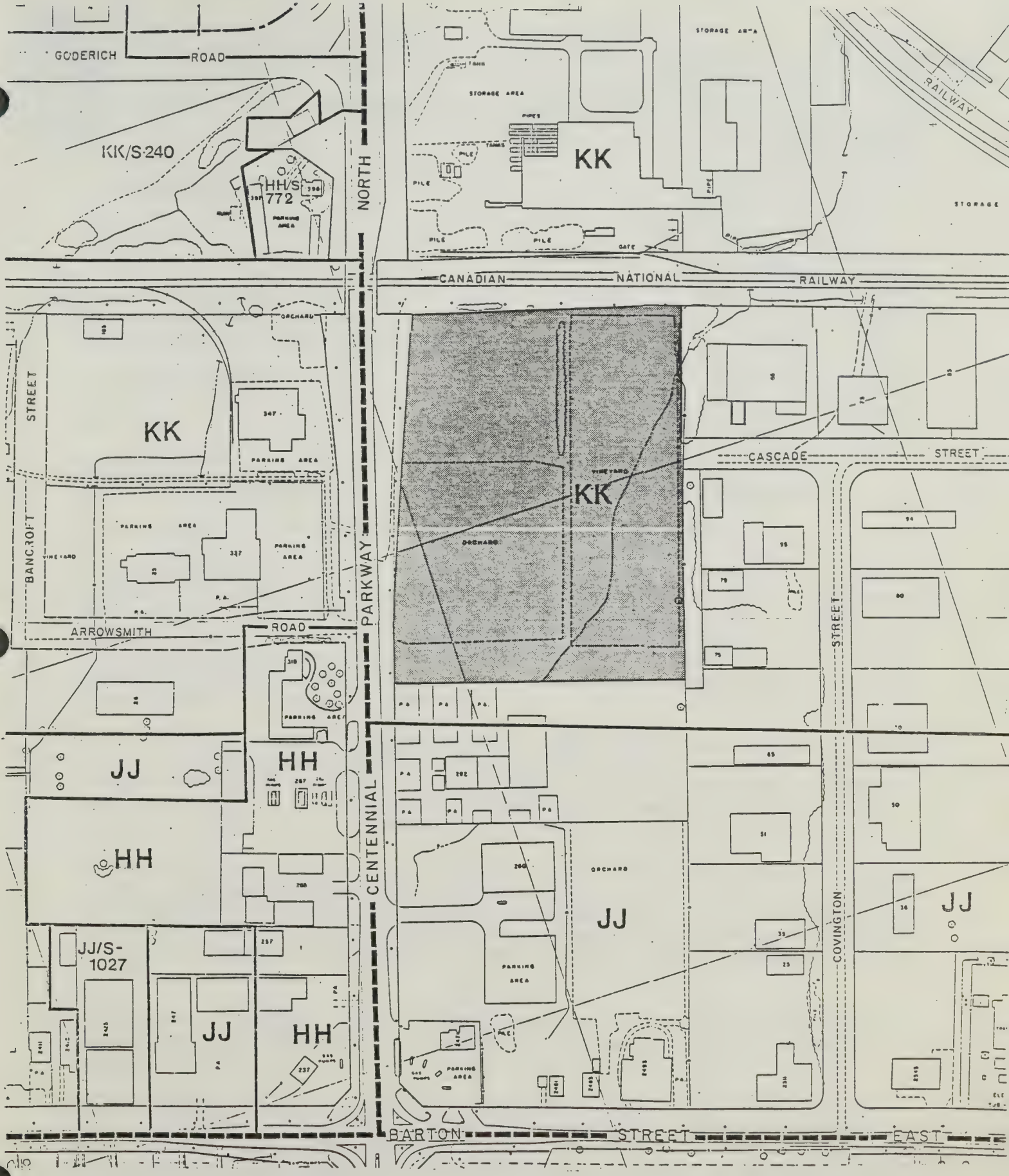
Details of these features will be addressed during the site plan stage and any costs associated thereto.

5) Under the "HH" (Restricted Community Shopping and Commercial) District, the lands are subject to Site Plan Control By-law 87-279, as amended by By-law 89-223. Matters such as signage, parking, landscaping, screening, access, road widening etc., and the concerns of the Traffic Department and CN Rail can be dealt with during the site plan approval process.

CONCLUSION:

Based on the foregoing, the amended proposal can be supported.

JHE/ma
WPZA8938



LEGEND

SITE OF THE APPLICATION

ZA 89-38

APPENDIX A

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
DEC 05 1989

TO	INIT.	INFO.	ACT.
G.M.			
PLANS A.			
D.C.P.			
M.A.			
D.D.U.C.			
CART.			
ADMIN.			

1989 December 05

Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attn: Paul Mallard

Dear Sir:

Re: ZA-89-38
Lands south of the CN Railway and east of Centennial Parkway North

We have reviewed this proposal and offer the following comments.

The intersection of Centennial Parkway North and Barton Street is currently experiencing severe congestion problems. Any increase in the current volumes will aggravate this situation. Given the development potential currently in place, we expect that traffic volumes will continue to increase in the area. We cannot therefore support any proposal which will substantially impact an already poor situation such as the introduction of new, large scale, commercial establishment as originally proposed.

There are two potential improvements which could affect this conclusion. The first is the construction of the North-South Transportation Corridor from the escarpment to the Q.E.W. This facility should be in place sometime in 1996 and will reduce some of the congestion on Centennial Parkway. The introduction of the facility will allow a reevaluation of commercial uses for this site.

The second potential improvement would be to reconstruct Centennial Parkway to a seven lane section from Q.E.W. through to a point south of Queenston Road. This improvement would provide sufficient additional capacity to accommodate the introduction of new commercial land uses. No such proposal is currently being considered and given the commitment to construct the above freeway section, such a proposal is unlikely.

Our preferred scenario would be that the proposal be denied and that the properties be developed under an industrial land use with no direct access to Centennial Parkway.

In discussion with the applicants we have notified them of our concerns. As a result of these concerns they have modified their application to include only those uses which will either produce relatively low traffic volumes or will have trip production characteristics which will not significantly add to the existing peak hour traffic situation on Centennial Parkway. They have also developed a preliminary site plan which has incorporated our access restrictions and agreed to modify this plan (physical reconstruction) if required by our department in the future.

As a result, if the Planning and Development Committee decides that it is in the corporate interest to approve of retail uses on this property, we would support this decision on the following conditions:

1. That only the uses as requested by the applicant in their letter dated November 15, 1989 and cinemas be allowed.

2. That the applicants agree to construct any and all roadway improvements required as a result of their proposal.

3. That the applicants enter into an agreement, to be registered on title, wherein they agree to modify their access to accommodate either the installation of a traffic signal at Arrowsmith Road or the integration of access with the property to the south, if required by the Director of Traffic Services. All costs associated with such a modification are to be the responsibility of the land owner.

4. That the applicants submit a letter acknowledging the fact that they are aware of the traffic congestion along Centennial Parkway and that this congestion, which may affect the operations of their development, is likely to continue at least until the North-South Transportation Corridor connects to the Q.E.W.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

RK/ca

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25071	BLACK/NOIR	BG2507
25072	BLUE/BLEU	BU2507
25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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